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PROCEEDINGS

OF THE

Missouri State Convention,

HELD IN

JEFFERSON CITY,

JUNE, 1863.

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PROCEEDINGS

OF THE

MISSOURI STATE CONVENTION,

Held in Jefferson City, June, 1863.

FIRST DAY.

JEFFERSON CITY,
Monday, June 15, 1863.

The Missouri State Convention assembled in the House of Representatives this day pursuant to a call from the Governor.

The President, Gen. ROBT. WILSON, of Andrew county, called the Convention to order at 10 o'clock.

The roll being called by the Secretary, the following members answered to their names:

Messrs. Birch, Bogy, Breckinridge, Bush, Douglass, Dunn, Flood, Hitchcock, Holt, Hough, How, Howell, Leeper, Linton, McClurg, McDowell, McFerran, Norton, Orr, Rankin, Ray, Scott, Shanklin, Sheeley, Smith of Linn, Smith of St. Louis, Vanbuskirk, Waller, Welch, Woodson, and the President.

The PRESIDENT having announced that there was not a quorum present,

On motion of Mr. BOGY, the Convention adjourned till half-past 4 P. M.

AFTERNOON SESSION.

The Convention met pursuant to adjournment at half-past 4.

The roll was called, and sixty-four members answered to their names.

The credentials of the following members members were offered:

Sol. R. Moxley,	of the	2d	Senatorial District.
Chas D. Drake,	"	29th	"
Wm Baker,	"	20th	"
C. B. Walker,	"	18th	"
W. J. Duvall,	"	22d	"
Henry J. Deal,	"	25th	"
H. J. Lindenbower,	of	19th	"

Mr. JNO. F. PHILLIPS moved that a Committee of three be appointed, to whom the credentials of the new members should be submitted.

Messrs. Phillips, Douglass and Henderson were appointed the Committee.

Mr. W. P. HALL moved that a Committee of three be appointed by the Chair to inform the Governor of the State that a quorum of the Convention was present, and prepared to receive any communication he might think proper to make.

Messrs. Hall, Bogy and Breckinridge were appointed the Committee, who soon reported that the Governor would communicate with the Convention in writing.

Mr. W. J. HOWELL moved "that the Secretary of this body furnish each member with three daily papers during the present session of the Convention, and that the cost of the same be paid as other expenses of the Convention." Carried.

On motion of Mr. J. D. FOSTER, the Convention proceeded to the election of a Chaplain, a Sergeant-at-Arms, and a Doorkeeper.

C. F. Ward, — Bates, S. W. Winston and Fred'k Behrle were nominated for Doorkeeper.

The votes were—Ward, 7; Bates, 3; Winston, 41; Behrle, 3.

Winston having received a majority of votes, was declared elected.

On motion of Mr. FOSTER, Mr. W. S. Porter was unanimously elected Sergeant-at-Arms.

On motion of Mr. FLOOD, Mr. J. A. Welch was unanimously elected Chaplain.

The following communication was then read:

JEFFERSON CITY, June 15, 1863.

Hon. ROBERT WILSON,
President of the Convention.

DEAR SIR: Mr. Vincent Marmaduke, a member elect to this Convention, from the Saline District, having been under military arrest for disloyalty, and now on parole in the city of St. Louis, has applied for an extension of his parole to the City of Jefferson, for the purpose of enabling him to attend the present session of the Convention.

The Commanding General of this Military Department has instructed me to submit the matter to the Convention, and if it should appear that there is no objection on the part of this body to his taking his seat, his parole will be extended accordingly.

Respectfully, your ob't servant,
JAS. O. BROADHEAD,
Prov. Mar. Gen. Dep't of Mo.

The following message from the Governor was then read by the President:

MESSAGE.

Gentlemen of the Convention:

Under the power conferred upon me by your body, I have called you together again to consult and act upon matters of the highest interest to the State.

The subject named in the call as that which, in my judgment, chiefly demands your attention, is that of the emancipation of slaves.

In my message to the General Assembly, I expressed to that body my general views upon the subject in this language: "Having always lived in States where slavery existed, I have had no such prejudice against the institution as is felt and expressed by many. But I have long entertained the opinion that the material interests of Missouri would be promoted, and her resources would be more rapidly developed, by the substitution of free labor for slave labor. Entertaining this opinion, I looked to the rapid increase of free population and its excess over the slaves as sure, in time and by ordinary laws that govern commercial interests, to effect a change in our labor system. Taking no part in public affairs, I have been content to let the whole subject take its natural course, without mingling in the discussion which has arisen."

"The necessity for action at this time grows out of the present condition of the country. A great rebellion against our Government exists, and its primary object is to inaugurate a government in which slavery shall be fostered as the controlling interest."

"If the leaders of this rebellion do really desire to have our State within their pretended Confederacy, there can be no more effectual mode of extinguishing that desire than by showing our purpose to clear the State ultimately of the institution which forms the bond of cement among the rebellious States."

Such being my views, and being bound by the Constitution "to recommend to the consideration of the General Assembly such measures as I should deem necessary and expedient," I suggested to that body a scheme of gradual emancipation. The General Assembly was prohibited by the Constitution from passing any law for the emancipation of slaves without the consent of their owners, or without paying them, before such emancipation, a full equivalent for the slaves so emancipated. The prostrated condition of the finances of the State rendered it impossible for the State to pay the equivalent required by the Constitution. The certainty of obtaining money from the United States for that purpose was not sufficiently clear to form the basis of legislative action. The plan I recommended would have reduced the compensation required to an insignificant amount, an amount which in fact might have been provided by the State.

The General Assembly failed to act upon the subject.

The importance of the subject in its relation to all the interests of the State demanded, in my judgment, very speedy action, by a body capable of finally disposing of it by the adoption of some wise and just scheme of emancipation. The Senate passed a joint resolution requesting me to call the Convention together, and also a bill for the election of delegates to a new Convention, provided your body should not before the first day of July next adopt a

scheme of emancipation. Although neither of these measures was acted upon in the House of Representatives, yet the friends of emancipation in the House exhibited the greatest earnestness in endeavoring to have the bill which came from the Senate acted upon by the House, and were only foiled by the application of stringent parliamentary rules. This action in the Assembly gave strength to my own conviction that you should be called together rather than wait until the Assembly should again convene in November next, and then initiate measures of emancipation which might require some time before they could have effect.

It is under these circumstances that you have been called to assemble, and the subject of the emancipation of slaves is commended to your attention as a subject of the highest interest to the State, and involving questions the most delicate and difficult that you can be required to solve.

I will not undertake the labor of developing any scheme and recommending it to you for adoption. The whole subject of emancipation is one upon which the minds of men will differ as they are affected by prejudice, or inflamed by passion, or controlled by reason; and among those who favor emancipation under the guidance of reason alone there is such a variety of opinions about schemes and the details of schemes, that there is no probability of any scheme devised by a single mind meeting with the ready approval of other minds in all its details. I will not, therefore, undertake the task of recommending any given scheme.

This, however, I may be allowed to say, that if a body of intelligent and patriotic men will approach the subject with a deep conviction that it is of the highest importance to the State that the subject should be disposed of, they will be able to dispose of it by agreeing upon some measure, although it may not in all its details be the exact expression of the will of any individual who sustains it.

I will venture to say, farther, that in this, as in all other cases in which a State for its own benefit deprives any of its citizens of property, political morals require that the citizen shall be deprived of his rights no farther than is necessary to make the public benefit certain and secure. While, then, emancipation is necessary for the public good, the period at which it shall be made effectual and complete admits of great diversity of opinion. This question of time is one on which those who agree in respect to the main point can, by mutual concession, harmonize their views.

In my communication made to you at your session in June last, I submitted to you a brief statement of what I had done up to that time to put the State in a condition of defence, so that she might be protected against enemies, external and internal. The latter class consisted of bands of robbers and assassins, who, scattered over the country in smaller or greater numbers, made the existing state of war a cover for their schemes of plunder and murder. It became manifest that the regularly organized forces in the service of the United States were not as well adapted to the work of ridding the country from these bodies of outlaws, as would be a force of militia organized throughout the State, ready at all points to detect and destroy such an active and vigilant enemy. The fact, too, that the population of the State, loyal and disloyal, were so mingled together as to render it impossible to distinguish between the friends and the enemies of the Government (where there had been no public manifestation of the feeling of disloyalty) and that such commingling of the classes facilitated the operations of these hostile bands and exposed the loyal men to their outrages, rendered it necessary to distinguish the classes from each other. To accomplish both these objects, it was determined, in consultation with Brigadier (now Major) General Schofield, then commanding the District of Missouri, to organize the entire loyal militia of the State. Accordingly, an order was issued requiring the organization of the militia of the State, "for the purpose of destroying the bands of guerrillas," and committing the work of organization to General Schofield, who was a Brigadier of State Militia, as well as a Brigadier of United States Volunteers. Under his direction, the organization proceeded with great rapidity, and soon a large force was prepared to take part in the defence of the State and in protecting its loyal citizens. The process of organization had the immediate effect, too, of drawing the lines between loyal and disloyal citizens, and of giving confidence to loyal men as they became organized and armed and acquainted with their strength. This measure has been of incalculable benefit to the State, in preserving its loyal inhabitants from the depredations of marauding bands, in preventing the formation of such bands, and in pursuing and breaking them up when formed. And in battle with an organized

enemy, as at Springfield and other places, the Enrolled Militia have shown that Western troops, although they may be raw, have a daring enterprise, a reckless courage, which, with other people, is the result of long training and discipline.

Yet there are persons who speak against the Enrolled Militia, and make accusations against them of disloyalty. It may be true that the anxiety of officers, when forming regiments, to swell the number and apparent strength of their commands, may have caused them to admit into their ranks some disloyal men. Such conduct was in direct violation of the orders issued by General Schofield, and of orders issued from the headquarters of the State. When the rolls of companies were deposited in the office of the Adjutant General, there was no means of ascertaining the loyalty or disloyalty of the men; all had been sworn alike, and if the officer had really obeyed orders, all were loyal, and therefore the organizations were recognized. That any considerable proportion of the Enrolled Militia are disloyal is not to be believed, when we see the alacrity with which they take the field, endure hardships and engage in battle. That some of them have been disorderly and lawless, committing gross outrages, may be admitted; but this will be the case with all troops in the field unless they are restrained by their officers, and many officers of the militia have not acquired the habit of command.

Ever since the enterprise of opening the navigation of the Mississippi has been in progress, there has been a constant drain of United States forces from this State, and at the time of ordering the enrollment of the militia, the United States forces within the State was so much reduced that its weakness was a strong reason for making the enrollment, so that the militia might be used for defence. The demand for troops to be sent South has ever since continued, and those who knew the object and felt that the opening of the navigation of our river was of the greatest importance to us, have felt willing to see all troops go who could be spared.

On the 18th of December last, I received from the President a dispatch in this language: "It is represented to me that the Enrolled Militia alone would now maintain law and order in all the counties of your State north of the Missouri river; if so, all other forces there might be removed south of the river or out of the State. Please post yourself and give me your opinion upon this subject." To this dispatch I replied, that if the Government would pay and maintain the force, I would undertake the work, and would call out no more men than necessary; that the removal of other troops would promote rather than hinder success.

After waiting for some time, I explained my plan to Major General Curtis, commanding the Department, who objected that it would be too expensive. Knowing that the whole district of country referred to by the President had in it but one regiment of cavalry and a part of a regiment of infantry, and that Union men entertained strong apprehensions for their safety, I determined to carry out my plan without further delay. On the 3d of February last I instructed the Brigadier General commanding the north-eastern portion of the State, to detail twenty-four companies, of *approved loyalty and efficiency*, with the requisite number of officers, and form them into two regiments; the force to be used "to repress any attempts at insurrection, and to prevent any combinations against the Government, and to maintain the laws of the State." Similar instructions had been given to the other Brigadiers, and now there are nine such regiments formed and being formed in different parts of the State. In the meantime, the strength of the United States volunteer force in the State is being rapidly reduced by the demand for reinforcements to be sent to the army before Vicksburg, and we are approaching the condition in which we are to defend ourselves against enemies without, as well as within the State. I am confident, however, that the State Militia organized under the arrangement which I made with the President in November, 1861, and the regiments of Enrolled Militia, formed by the details just mentioned, will be able, with occasional help from the mass of the Enrolled Militia, to defend us against any enemy who is likely to approach our borders.

The promptitude with which the Militia take the field was exhibited a short time since, when a Confederate force, coming from Arkansas made a raid into the southeastern portion of the State, producing considerable agitation. Major General Curtis applied to me to call nine regiments into service. Orders were immediately dispatched to the Brigadiers from whose commands the men were wanted, and in a few days the whole force was on the march.

Although orders have been obtained from Washington for clothing, equipping and subsisting the militia in active service, our self-defence imposes a great expense in paying the men. But there can be no doubt that the United States will reimburse the State for all her outlay. In fact, the provision already made for clothing and subsisting the men is an acknowledgment that they are rendering service for which the United States ought to pay.

In order that the whole military force may be most efficient, it has been judged best to place the militia in active service under the command of Major General Schofield, the Commanding General of the department, who is an educated and talented officer, interested in Missouri, and anxious for her peace and prosperity, and having no other ambition than to serve his country.

And now, Gentlemen of the Convention, you can see from this statement, taken in connection with the communication made to you at your session in last June, what has been done to place the State in an attitude of defence against all the enemies which the rebellion has brought against her. She has met every call for troops which the Government of the United States has made upon her. She has raised ten thousand men for her own defence to serve during the war. She has organized her entire loyal militia, and has called them into the field at such times and in such numbers as the protection of her people has demanded. She is now putting nine regiments into more permanent service, with every expense, except pay, borne by the United States, and all the militia in service are under the command of the Major General of the Department.

So far as any apprehension may be felt of any formidable invasion from the South, I regard it as groundless. The armies of the Union have carried the war far south of us, and we are in daily expectation that Vicksburg, the great stronghold of western rebellion, will yield to our arms, and that the navigation of the Mississippi will be opened to us. When this is accomplished, when our flag shall be borne all along the Mississippi, there can be no war of magnitude on the western side of the river; there can be no reflux of the tide of war over our State, and the great labor which we have undertaken for Missouri, of holding her upright and safe as a member of the Union, will be completed, and you will feel and I will feel that the two years of care and anxiety which we have passed in her service will have their reward in the consciousness that our labors have not been in vain. And if at your present session some judicious scheme of emancipation shall be adopted, that will rapidly bring within her borders the crowds of the energetic and enterprising who seek western homes, you will soon see her desolated homes rebuilt, her war-stricken fields again teeming with the rich products of her fertile soil, her mines pouring forth their wealth, her mechanic arts again flourishing, her institutions of learning filled with her blooming children, her credit as a State restored, and prosperity and happiness will reign throughout her borders.

The security of the State from any farther attempts to bind her to the Confederacy of the revolted States, will be an appropriate occasion for us to lay down the power which has been conferred upon us, and which we have wielded for the benefit of the State and of the Union. A measure of emancipation is to be regarded as a measure contributing to that security.

There is one other measure for which there appears to exist a great necessity.

In such a contest as has occurred within this State, feelings of revenge have arisen and have embittered the contest, and this feeling has often had expression in lawless acts of those who were in military service. The murderous warfare of the guerrilla and the bushwhacker has provoked to retaliation upon those who were supposed to countenance their atrocities; and the exercise of this retaliatory vengeance has been left to the judgment or mere caprice of squads of soldiers. While the summary execution of men found in arms in these bands of miscreants is justified by the laws of war, it becomes altogether a different question whether a man shall be shot down in his field and his house be burned, upon the suspicion of a squad of soldiers that he is a secessionist or a rebel, or that he favors the guerrillas. It is too easy to cover up a desire for vengeance or a love of plunder, or a general thirst for blood, by this off-hand denunciation and execution. Besides, this license has the effect of utterly demoralizing the troops who indulge it.

I submit to you, therefore, the propriety of providing for the establishment of some tribunal, civil or military, for the trial of persons belonging to such armed bands of guerrillas or bushwhackers, or furnishing them with infor-

mation or assistance, so that the trial shall be prompt and the punishment adequate. This recommendation is founded upon the idea that these persons are not to be treated as persons engaged in war, but mere enemies of the human race; and it has the greater force if we regard the probability that such bands will exist here even after the authority of the Government has been completely established over the revolted States. They are not collections of men against whom proceedings are to be had by a sheriff with his posse, nor upon a warrant from a justice of the peace, nor upon an indictment found in the particular county in which a murder or a robbery has been perpetrated. They would laugh at such proceedings. They must be acted upon by a tribunal that proceeds differently from our civil courts. Suppose, as an illustration of the idea, that the leader calls himself a Confederate officer; we don't propose to deal with him as a Confederate officer, but as a person who is leading a band of robbers and murderers against the peaceable people of Missouri. I think the establishment of such tribunals will be the foundation of a proper restraint upon soldiers, by taking away all excuse for punishment by them, except in the single case of punishing men actually taken in arms, and it would have a better effect in restraining those who are tempted to join such bands when they discover certain but regular punishment before them.

Gentlemen of the Convention, as this is probably the last time you will assemble, it may not be inappropriate to refer to the different steps which have been taken in the process of upholding the authority of the Federal Government in Missouri.

At your first session, held in St. Louis, the utterances in your body that favored disunion were greeted with applause in the crowded lobby, and within two squares of the building in which your session was held was the headquarters of the minute men, a treasonable organization, boldly in the face of day flaunting a flag which was the emblem of their disloyalty. You resolved against secession and separated.

Treason made rapid progress, its emissaries being active through the State. War against the Federal Government was inaugurated, and the State authorities became committed to it. The zeal and energy of an assailing party, turning every occurrence to their own account, and misrepresenting every act of the Government, swelled the ranks of the disaffected until, with impunity, the most opprobrious epithets were freely bestowed upon those who remained faithful to their allegiance.

In July, 1861, you again assembled, and, meeting the crisis with firmness, you deposed the State Government then in being, and inaugurated the Provisional Government on the last day of that month. You revived a militia law that had been originally designed for holiday parades. Believing that many had been led into treason by the persistent misrepresentation of the purposes of the Union party, I issued a proclamation on the 4th of August, designed to correct the wrong impressions which had been made, and, with consent of the President, offered an amnesty to those who would return to their allegiance.

On the 10th of that month the disastrous battle of Wilson's Creek was fought, and Gen. Lyon fell. I had done my utmost, by application in writing and in person, to have him reinforced; consternation spread everywhere among the Union men. The secessionists were buoyant and confident. Many of our members became fugitives from their homes. Here, in the capital of the State, men of firmness and sense were uneasy because of the armed guard of the Penitentiary, which was entirely under the control of the secessionists. This latter class, here, in the confident expectation of success, were sure of spedily driving away the Provisional Government. The call for troops made on the 24th of August, and the efforts made to arm and equip them, have been stated to you in former communications. Complaints that came to the Executive were all complaints of outrages perpetrated on Union men. The offices of the State were nearly all in the hands of enemies of the Government. The prospects of success were still on their side. An election had been provided for to take place in November to fill the executive offices which you vacated in July. It became apparent that if such election was attempted the voice of the Union men would be drowned, and the State would come under the sway of the secessionists. You were called to meet in October.

At your meeting in October you made provision for vacating the offices held by disloyal men, by requiring an oath of allegiance from office-holders. You provided a more efficient military law. You postponed the election of executive officers until the general election in August, 1862, and you offered an amnesty to rebels on conditions.

As time advanced and the Union men became better organized, and the military strength greater, and as the Confederate forces were driven out of the State, the hopes of the secessionists became diminished, and when the enrollment of the loyal militia was made, then came in the complaints of wrongs sustained by the enemies of the Government. The power had changed hands, and those who had been free in denouncing the Government had come to regard it as quite endurable. Still there was cherished in many breasts a strong antipathy to its rule. Circumstances seemed to require that you should again assemble in June, 1862, and at your session at that time you determined to guard against the possibility of having a disloyal State Government. You provided that all who exercised the elective franchise should take an oath for their future loyalty, and that no person should be elected to office until he had taken oath that he had not been in arms nor aided those in arms against the Government. This was a precaution deemed necessary to prevent the power of the State, in elective offices, from falling into the hands of those who were enemies of the Government. You changed the time of general elections from August to November, and you postponed the election of executive officers until the regular election for such officers in 1864.

From this point of your action the spirit of the rebellion in the State may be said to be broken. That there are those who still cherish animosity against the Federal and State Government I am sure, and that there are those who cordially hate Union men I have occasion to know; that this spirit will exhibit itself in occasional outrages and in the collection of bands of outlaws, I do not doubt. But I think there will be no organized force of rebels, of any magnitude, again assembled in the State.

Thus I am led to the conclusion that by patient, persevering action, the State of Missouri has been preserved from falling into the crime of rebelling against the Federal Government, and that she is now prepared to enter upon a new career of prosperity.

And now, gentlemen of the Convention, I regard this as a suitable time to do what I have long contemplated.

When, on the 31st of July, 1861, you chose me to exercise the executive functions of the State, you will remember that I undertook the task with the greatest reluctance, and only after the most earnest persuasion. I will not repeat the language in which I expressed to you my unwillingness to hold the office. It is sufficient for me to say that a sense of my responsibility to God and my country alone had influence with me. The office has never, at any subsequent period, been more desirable to me than it was the day I assumed the position, and I have waited for the time to come when I could conscientiously say that I have performed all you asked me to undertake. When I was chosen to the office, the only question which engaged our attention was, whether the *status* of Missouri as a State in the Union could be preserved; whether our rights as citizens of the United States could be protected against those who sought to bind us to the Confederacy of the revolted States. I regard such questions as settled.

The storm of regular war has passed far to the South. Adequate means to repress the outlaws who remain have been provided. Missouri is in no danger of being involved in the fortune and fate of the States in rebellion. Union men regard all such dangers as past. They are now engaged in bitter disputes among themselves upon questions of internal policy. They evidently consider the war for the Union as over in Missouri, and that what of trouble remains does not require them to be at peace among themselves.

I was not chosen to office to take part in questions of mere internal policy, except so far as they might be connected with the relations of Missouri to the Union.

I feel, then, that the service you required of me has been rendered, and that there is no farther demand upon me to continue the sacrifice of my own tastes and interests.

I announce to you, therefore, that I resign the office of Governor, to take effect upon the last day of your present session. I presume your adjournment will be *sine die*, and I desire my official career to terminate with yours. Moreover, the gentleman who succeeds me, and who knows nothing of my present act, will require a few days to become acquainted with the condition of the office.

I propose, gentlemen, to take my seat in your body (of which I am still a member) in order that I may render any assistance in my power in maturing and adopting such measures as you may attempt for the good of the State.

And now, gentlemen, I tender you my acknowledgments for the confidence you have ever manifested and the support you have ever

afforded me in the arduous duties in the position you have placed me. Your labors have, under the direction of a kind Providence, been of infinite value to the State, and you and I can with assured confidence commit its destiny to His future guidance.

H. R. GAMBLE.

Mr. McFERRAN moved that the message of the Governor be laid upon the table; and that ten thousand copies be printed for general circulation—carried.

Mr. PHILLIPS, Chairman of the Committee on Credentials, reported as follows:

Resolved, That the following delegates elect, holding certificates of election, are *prima facie* entitled to seats in the Convention, and that they be admitted accordingly, to-wit:

William Baker, for Twentieth District.
Henry J. Deal, for Twenty-fifth District.
Charles D. Drake, for Twenty-ninth District.
H. J. Lindenbower, for Nineteenth District.
William J. Duvall, for Twenty-second District.
Solomon R. Moxley, for Second District.
Claudius B. Walker, for Eighteenth District.

Mr. BIRCH. I shall vote against printing any unusual number of this message, and will, as briefly as may be, assign the reasons why. If, in the performance of this duty, it shall be demonstrated that a majority of us are substantially *precluded* from concurrence with its principal recommendations—committed, indeed, to the exact *reverse*—we will, of course, permit no mistaken courtesy to still further encourage the agitation which is consuming our constituents whilst but *aggravating* our complications, but will denote, on the contrary, and at the very *threshhold* of our session, that, so far as it may depend upon us, "Missouri will remain *Missouri still.*" Sir, such a decision, in my poor judgment, would do more to-day to restore the peace and prosperity of the State than all the partisan and empyrical specifics which have been or which may be proposed—for, as already denoted, they but *aggravate* the disease they originally engendered, and which they can never, *never* cure. As the Governor himself, at our first session, so conclusively argued, the troubles of the country came upon it rather in the apprehension of what *would* happen, than what had then already happened; and it is because the measure he now recommends for our adoption was amongst the agitations we then so mutually forefended, that I thus respectfully propose to confront it with the language and with the resolves which were common to his constituents and mine—to his arguments and mine, and to his *pledges* and mine.

In doing this, Mr. President, I shall but necessarily forego the too usual preliminary of "want of preparation." From the outgivings of the proclamation which has convened us, and the more recent outgivings of his speech in St. Louis, we could, of course, entertain no doubt in respect to the general character of the message which has been read to us, and came hence prepared to meet it accordingly. I expect to speak of it, therefore, in such manner as has been suggested by the continuous consideration of the causes and tendencies of our complications for the last thirty months—from the time when you and I, sir, [pointing to Judge Orr,] were the first to confront the conspirators of *Secession*, as I trust we may mutually continue to confront the still viler conspirators of *Abolition*—be our future what it may. If, in doing this, I shall fail of language the most appropriate wherewith to convey opinions which I have at least deliberately matured, I can, of course, invoke no other forbearance for such shortcomings than, that what may be said even thus imperfectly, may be fairly and dispassionately considered *as a whole*, and as my best offering at the shrine of a common imperilment.

Eschewing all further preliminary, and coming at once to the recommendations which have been addressed to us by the Executive, the conclusion but too painfully obtrudes itself upon my judgment that, so far from embodying anything *like* a hopeful or a true solution of our unhappy complications, they resolve themselves, not merely into an apology for the aggressions which we all stood once agreed to *redress*, but counsel us as well to stultification in the present, as to acquiescence and submission in all the *future*.

It is therefore that we *dare* not be silent—for surely so long as the power of protest remains to the representatives of a once great and glorious State, we should not cease to remonstrate against a line of policy upon which the pledges of a majority of us were just as clear as they were against secession itself. For one, at least, I trust *never* to forget that the Union which I was elected, if possible, to "restore," was composed of States "part slave and part free;" and that I was chosen on the same platform, and consequently with just as *explicit* an understanding as the Governor was, that the industrial institutions of the

slave *States* were to be preserved, as that the *Union* itself was to be preserved. Indeed, sir, it was almost everywhere declared by the people we are here to represent, that "*the* Union" of which we have all been wont to think and to speak so reverently *could* be no *other* Union—nor can it be.

By reference to the law under which we became invested with the "residuary sovereignty of the State," it will be seen that it was made our *especial* duty "to consider the existing relations between the Government of the United States, the people and Government of the different States, and the Government and people of the State of Missouri; and to adopt such measures for vindicating the sovereignty of the State and the *protection* of its institutions as shall appear to be demanded." I have not, of course, alluded to this specific designation of our duties for any other purpose than that of denoting what was uppermost in the mind of the Legislature, and subsequently in that of the people, when thus investing us with the supreme authority of *the State*. That the masses everywhere appreciated the responsibility of their action in delegating to us the right to do whatever *they* could do—in confiding to ninety-nine men the authority to do whatever could be rightfully done by one hundred and seventy thousand men—was demonstrated in the dignified earnestness and anxiety of their action throughout the State. Commencing in its great commercial metropolis, even before the Legislature had finally passed the law for our election, such assemblies of men as everywhere attended the preliminary Conventions, and subsequently the public discussions of the questions and interests which were regarded as most prominently in issue, were probably never witnessed by the oldest member of this body; certainly not during my humble participation in public affairs, and that (there can be no immodesty in adding) has covered the period since Andrew Jackson and the patriotism of his day took cognizance of the grievances and anxieties of the South, in the memorable compromise of 1832, to the period when Lincoln and the partisans of his school refused *all* just compromise, and thus precipitated upon the country the calamities of the present fratricidal war. Of course, I hold myself ready to produce the most direct and irrefragable testimony to sustain this statement should it be in any respect gainsaid or criticised; but, for the present, pass on.

I have alluded to the action of the Union men of Missouri at their first great meeting in St. Louis, upon which occasion the eminent citizen whose official message is now before us, made the first and principal speech, and whose well considered resolutions became the party Shibboleth throughout the State, as it was doubtless intended they should be. In my own county they were re-adopted *literally*, word for word; whilst in others the State over, with comparatively few exceptions, they were either similarly re-adopted, or not so varied as in any respect to fall below that measure of justice to the *States*, which all concurred must constitute the first step towards a restoration of the *Union*. It need scarcely be added that, having recently reviewed these primary platforms of the PEOPLE, I am prepared, if necessary, to verify the general statement thus made concerning them. Until then, I shall but read the resolves of the meeting in St. Louis, as sufficiently denoting the platform upon which at least eighty of us were originally elected to our places here, and will not, of course, *anticipate* any other defection than that which it will become my duty to establish against the Governor himself. Regretting this the more because of the manner in which he has been assailed by the more *radical* anti-slavery press of the State, it is nevertheless a duty which I dare not forego, either in justice to myself or to others who concurred with me in investing him with executive influence and authority, and who feel, of course, that his *real* delinquency consists, not in his declension to conform to the imperious behests of the *radicals*, but in having permitted himself to be swerved *at all* from the record upon which we made him the pro-slavery GOVERNOR of a pro-slavery STATE.

First, then, of the St. Louis resolutions, which were published in the *Republican* of the 13th of January—copied into the country papers throughout the State—and which read as follows:

"*Resolved*, 1. That we are warmly attached to the Government under which we live; that we recognize the Federal Union as the great preservative of our liberties; that under it we have, by God's providence, prospered beyond all other people, and even beyond the expectations of our patriot sires, who established it as the best means of perpetuating the blessings which they so gallantly fought for and gained.

2. That under this Government we are respected abroad, prosperous at home, and fast

taking our true position as the leading nation of the earth.

3. That we do not recognize, as a necessity, any conflict between the institutions of the people of this great country; but, on the contrary, we see in our widely extended territory, our varieties of climate, soil, productions, domestic institutions, modes of industry, and even modes of thought, only the grounds for a more perfect Union. In this variety we see nature's great laws pervading all extent, and a necessary characteristic of every great people and widely extended empire.

4. Valuing as we do thus highly the American Union, we should regard its dissolution as eminently disastrous to our country, and as tending to injure the cause of rational liberty throughout the world.

5. That as our fathers denounced, so we denounce as hostile to the Union the formation of all parties upon purely sectional bases; and while the temporary ascendancy and triumph of such parties is not, of itself, sufficient cause for the dissolution of the Union and overthrow of the Government, yet it is sufficient cause for us to give, as we now give, earnest and solemn warning that the Union cannot continue unless all our constitutional rights are secured against encroachments.

6. That the possession of slave property is a constitutional right, and, as such, ought to be ever recognized by the Federal Government; that if the Federal Government shall fail and refuse to secure this right, the Southern States should be found united in its defence, in which event Missouri will share the common duties and common danger of the South.

7. That the discord prevailing for forty years between the people of the Northern and Southern States, touching the relation of the Federal Government to slavery, affords sufficient reason for all sections of the Union to require a clear and final settlement of all matters in dispute, by amendments to the Constitution, so that the slavery question may never again disturb the public peace or impair the national harmony.

8. That we have ever reposed faith in the virtue, intelligence and justice of the American people, and now give it as our opinion, that if time and opportunity be given, they will, when freed from the pernicious influence of mere politicians and demagogues, gladly and cordially agree to such terms of adjustment of our troubles as will secure to all the States equality in the Union, and re-establish fraternal relations between the people of the different sections, and revive everywhere the love for our glorious Union; and we cordially approve of the principles of adjustment contained in what are known as the Crittenden propositions, and believe that a settlement upon such a basis should and will be satisfactory to all parts of the country; and we give it as our unhesitating opinion, that if opportunity for a direct vote on the propositions be given, the people, or their representatives elected for that purpose in Convention by overwhelming majorities in all parts of the Union, would be found to favor their adoption; and, in our opinion, the country can only be saved from the horrors of civil war by the adoption of some such measure of compromise.

9. That, holding these views, we are not prepared to abandon the Union, with all its blessings, while any hope of adjustment remains; until then we will maintain our place in the Union, and contend for and demand our equal and constitutional rights, and will not be content with less.

10. That in the opinion of this meeting the employment of the military forces of the Government to enforce submission from the citizens of the seceding States will inevitably plunge the country in civil war, and will imminently endanger, if it do not entirely extinguish, all hopes of a settlement of the fearful issues now pending before the country. We therefore earnestly entreat, as well the Federal Government as the seceding States, to withhold and stay the arm of military power, and on no pretext whatever to bring on the nation the horrors of civil war, until the people themselves can take such action as our troubles demand.

11. That the people of Missouri should meet in convention for the purpose of taking action in the present state of the nation's affairs, at the same time to protect the union of the States and the rights and authority of this State under the Constitution; and to secure a consummation so devoutly to be wished, Missouri should consult with her sister States, that by united action those fraternal feelings which fanatics at both North and South have turned into bitterness and wrath be again restored, and mutual affection control all passion and redress all grievances.

12. That in the call of a Convention, representation should be in proportion to population as near as may be, and that the final action of the Convention should be submitted to the people for their approval and ratification at the polls."

Would it be possible, Mr. President, within the same compass, to compress a more intelligent denunciation of the "irrepressible conflict," which has but naturally continued to refuse all compromise? a more "earnest and solemn warning" of the conditions upon which *alone* it was hoped the Union might be restored and "continued?" or a more respectful, yet emphatic, annunciation on the part of the people of this State, in view of the *possible* contingencies of the future—now, alas! but too depressingly realized? Of the meeting which adopted these resolutions, on the 12th of January, 1861, the St. Louis *Republican*, in its succeeding issue, speaks through its reportorial and editorial columns as follows:

BY THE REPORTER.

"St. Louis witnessed, Saturday, an uncommon spectacle. Such an exhibition of interest in the fate of the country and of our institutions was never seen, we venture to say, in the whole great West before. It was a substantial declaration of fealty to the American Union of our fathers, so long as it can be administered upon principles of impartial equity and fairness to all sections alike. It displayed a determination upon the part of the solid, intelligent men of St. Louis to maintain the Constitution of the United States in every guarantee that it gives to the people of the Southern States and to those of the Northern States. It was an effort designed to reinstate in the breasts of all peace-loving, conservative citizens that warm and earnest devotion to the glorious Confederacy constructed by the wisdom and patriotism of our ancestors, which has heretofore thrilled in unison the hearts of fraternal countrymen. There was nothing of the "spread eagle" style of sentiment indulged in; but the demonstration was one grounded, as was too plain, upon a common sense of danger to the republic, and a common conviction of the necessity for cordial action upon the part of all true lovers of our national glory. As such, we shall look to see that it may have a beneficial influence abroad in staying the uplifted hand, and in bringing the Government back to the course of its early promise."

BY THE EDITOR.

"Never was such a meeting assembled in this city as was seen at the Courthouse yesterday, to declare the sentiments of St. Louis city and county on the great issues before the country—to assert their loyalty to the Union, and, at the same time, to take position in favor of the "Crittenden Proposition," as a fair basis for the adjustment of all the real differences between the Free and the Slave States. The names of the officers of the meeting are a fair index of the character and respectability of the many thousands who were present, and heart and hand in the work. We refer to the proceedings, in another column, for an account of what was done and of the incidents of the day. The resolutions embody, beyond all question, the sentiments of the people of this city, and on the declarations and principles here presented St. Louis and Missouri will go before the country."

And Missouri *did* "go before the country" upon them. Under the auspices and endorsement of such names as Gamble and Paschall, (to say nothing of others equally respectable, but perhaps less prominent representatives of the public sentiment,) the flag thus unfurled at the St. Louis meeting was everywhere caught up and carried as a light and guide to the true Union manhood of the State, reasserting as it did the lofty teachings of the political school of '98, that "the *Rights* of the States and the *Union* of the States must stand or fall together"

It may be necessary, however, as well for the more ample vindication of those of us who breathed upon Governor Gamble the executive authority under which he has thus addressed us, as to demonstrate the *inexcusable* sedition of the more radical articles which have recently appeared against him, that I should still further advert to the circumstances under which he came amongst us, and to the record which he so well maintained whilst continuing to participate in our deliberations. In doing this it may, of course, be trusted that the earnestness with which I co-operated with him so long as even the most *enlarged* charity could overlook the divergences which have at length culminated in the message before us, will protect me as well from the imputation of capriciousness as from all personal resentment—for if the country shall be satisfied with such reasons as may be given for his almost *total* change of position, or if there be those who console themselves that "whilst the letter killeth, the spirit giveth life," be it even so. My duty will be discharged in having demonstrated to those who conferred upon me the power to choose a Governor for them, that I had at least the strongest *reasons* to be satisfied that he would wield his executive influence in a direction exactly *opposite* to that in which it has of late been wielded in respect to the institution of

slavery, which, as has been sufficiently shown already, we were elected and sworn to *protect*, and hence neither to endanger it *ourselves*, or permit it to be endangered by *others*.

Passing over the record of events in St. Louis, from the 12th of January to the 3d of February, it is seen from the published report of the proceedings which I hold in my hand, that on that day *two* Conventions were held in that city—one under the name of the "Constitutional Union Convention," and the other in the name of a party coeval with the long-accepted *interpretation* of that instrument, and which will but *naturally* continue to defend it against *all* assailants. Pardon me, Mr. President, if I deem it unnecessary to repeat the name of that old historic party, or to otherwise speak its eulogy and hence pass on. Of the ticket, which it seems to have been the purpose of these joint Conventions to present to the consideration of the St. Louis district, it appears that the selection of eight delegates was accorded to the Democratic Convention, while the remaining seven (of whom Governor Gamble became one,) were to be nominated by the "Constitutional Convention." (Men were allowed to call themselves "*Constitutional* Union men" then. *How* is it now?) It further appears from the report of the proceedings in the *Republican*, that the Convention "unanimously adopted a series of resolutions, *founded on the declarations of the mass meeting of the 12th of January;*" and that "upon motion and conference with the Democratic Convention, it was resolved that the ticket nominated be styled THE CONSTITUTIONAL TICKET." It of course detracted nothing from the significance or the strength of the sixth resolution, that the redundant lines in which it was concluded were omitted in the general abridgment of the platform, as worked over by the Convention at Library Hall. The declaration still remaining that the Southern States should be found united in *defence* of an institution which we have been convened to do away with, I will at least *anticipate* no attempt to impair my argument by technicalities of that nature, but will stand ready to meet it should *such* a course of defence be unexpectedly resorted to, after what I shall bring forward in addition.

To a still more accurate understanding of the *political* aspects of the issues thus inaugurated, it is perhaps necessary to state that this St. Louis meeting of the 12th of January, which was but appropriately accepted as the basis of the Union action throughout the State, was not *participated* in by the Republican party—its leaders having publicly advised their associates to have nothing to do with it. The handbill which was put forth for that purpose is copied into the proceedings of the meeting, and is as follows:

"UNION MEETING—TO THE REPUBLICANS!

"As it seems to be the determination of those who called the Union meeting to-day to take narrower ground in support of the Union of the States than that which the Republicans of this city have already assumed, we have judged it expedient to advise the Republicans NOT TO PARTICIPATE IN THE MEETING TO-DAY, but to maintain the position already assumed in favor of the UNION under all circumstances.

"FRANK P. BLAIR.	S. T. GLOVER,
F. A. DICK,	WM. MCKEE,
P. L. FOY,	R. S. HART."

This open declension of General Blair and his party of that day to participate in the proceedings of a meeting which was designed to promote a *compromise* of our unhappy complications, and *thereby* restore the Union, was of course but too readily accounted for in the fact that, as a representative of the same party in Congress, he had been most active in the endorsement and circulation of Helper's "Impending Crisis"—had stood *against* the Crittenden compromise, and had proclaimed in his speech at Philadelphia that "the *real* contest" in the then Presidential election "was not merely the exclusion of slavery from the *Territories*," but "*the ultimate and permanent predominance of one or the other of the opposing principles of freedom and slavery!*"

The advice, therefore, that a party which stood committed to an extreme thus radical and "irrepressible," should stand *aloof* from a meeting which had been gotten up for the purpose of *compromising* such extremes, was but naturally accepted as demarking anew the line which had grown up, and has since continued to separate the *real* friends of the Union ("part slave and part free,") from those who affect to have found at length a *military* pretext for dispensing with even the *disguises* of the past, and for boldly avowing the total *extermination* of slavery as a "military necessity." To what extent this radical theory pervaded the ticket which was subsequently gotten up in St. Louis, (and upon which, for purposes then well understood, the name of Governor Gamble was

also placed,) it is of course unnecessary to inquire in this connection—it being in self-vindication *alone* that allusion is thus made to the current history of the past, and in further elucidation of which I shall read from the Republican of the 16th of February, (two days before the election,) an *authorized* statement in these words:

"JUDGE GAMBLE.—This gentleman has been frequently mentioned by the Black Republicans as having consented to address their meetings, but we are authorized to say that he has not consented to, and will not address any such meeting. His connection with the 'Constitutional Ticket' has been fully explained in his published letters, and he will not suffer his name to be used in any way to prevent the election of his associates on that ticket."

Having thus thrown together, as briefly as was compatible with justice to Governor Gamble and myself, the record upon which I could meet and salute him at our first session as occupying, with so many of us, *a common platform*, it is but just to repeat that his early and consistent action in the Convention itself was such as to confirm the reliance that he would continue to be guided by what had already come to be regarded as the *State* platform of the party, in opposition to the platform (in whatever conflicting) upon which a rival and most respectable ticket had been chosen in St. Louis. It was but natural, therefore, in consideration as well of his professional as of his social and political position, that he should be invested with the chairmanship of our Committee on Federal Relations; and it of course occasioned no surprise at that day, however the sentiment may *now* be denounced, that his report from the Committee of thirteen was not merely in accordance with the general tenor of the resolutions upon which so many of us had been chosen, but contained the still more specific avowal that "*the true position of Missouri was that of a State whose interests were bound up in the maintenance of the* UNION, *but whose kind feelings and strong sympathies were with the people of the Southern* STATES, *with whom we were connected by ties of friendship and of blood.*"

Why was it, Mr. President, that we then so unanimously and so publicly sympathized with the people of the Southern States, whilst the same sympathy, if indulged in *now*, might subject us to the ignominy of military imprisonment, if, indeed, no worse? Have the wrongs of which they then complained, and for which, however mistakenly or erroneously, they had withdrawn from the Union, been since *redressed*? Or is it for reasons which I may possibly *touch* upon in a more appropriate connection, without further breaking in upon the present division of my subject? Be this as it may, I may at least be permitted to remark, in this connection, that even those of us who had grown up and grown grey with the aphorism—"*In* the Union and *for* the Union: *of* the South and *for* the South"—even *we* could desire no *stronger* assurance that the author of such a report was in sympathy with *us*, and that we were in sympathy with *him*. Should there be those, however, who are so predetermined in their injustice to a majority of this Convention as to demand of us evidence still more specific that we had the most *unbroken* reason to believe we were investing a pro-slavery *man* with the executive functions of a pro-slavery *State*, it will suffice to refer them to the record of our debates, where they will find him declaring, at page 243, that it "was perfectly *impossible* he ever could belong to an anti-slavery party," and that if *he* were President of the United States, he would "*withdraw all the troops from the forts that were in the harbors of the Southern States.*"

Surely we had *reason* to believe, Mr. President, that a citizen of Virginian nativity, of mature age, of reproachless integrity, and with antecedents and declarations such as these, *might* be trusted, and he was accordingly selected and invested with such a patronage and authority as, perhaps, no Governor ever wielded before, and which, with my vote, no single man shall ever wield again. That I have been disappointed, at least in the *endurance* of Governor Gamble, and that the message before us is in practical repudiation of his most deliberate *pledges*, I need but quote additionally from the proclamation in which he announced his acceptance of the office we had conferred upon him, as follows:

"The choice thus made of a temporary or provisional Governor will satisfy all that no countenance will be afforded to any scheme or to any conduct calculated in any degree to interfere with the institution of slavery existing in the State. To the very utmost extent of executive power that institution will be protected."

Having already demonstrated that *this was what we were elected to do*, and having thus shown to my constituents and others that their *Convention* has not thus far trifled either with

their "sympathies" or their interests, it but remains to add, in this connection, that I bring no railing accusation against Governor Gamble, whom I continue to regard as an upright man, and whose administration I shall continue to sustain against *all* usurpers, whether claiming in virtue of the line of illegitimate succession to the deposed Executive, or improvised in the revolutionary radicalism of a faction whom I regard with even *greater* aversion. As for the rest, he can scarce be unaware of the reasons which, for at least *the last year and two days*, have been so repelling to at least a portion of his original and true friends, as to have left him, however much against their wishes and their will, to struggle in his declining manhood with associations and influences which might have misled the judgment, and even wrought the ruin, of younger men than he is.

> "In life's last scene what prodigies surprise,
> Fears of the brave and follies of the wise."

Aye! "follies of the wise"—since it will next be demonstrated that in so far as he has been influenced by the clamor of those who persistently hold up the recent *elections*, or the action of the *Legislature*, as in any respect denoting the will of the PEOPLE, he has yielded to a "pressure" which has no support save in the mendacious audacity of the conspirators who inaugurated and employ it.

What are the simple *facts*, sir? Even according to the concessions of our maligners, we were elected to our places here by an aggregate *majority* of more than eighty thousand votes—the vote of the State having been less than thirty thousand for tickets with assumed proclivities for secession, and about one hundred and ten thousand for the Union tickets. Having already spoken of the intelligent and independent earnestness of the people throughout the State in the election of the *Convention*, let us contrast the vote upon that occasion with the legislative vote that was given in November last, and let the contrast *itself* decide which body, if either, should be governed by the opinions of the other. I need not, of course, recur again to the county platforms and pledges upon which we were chosen, and will therefore pass at once to the legislative *vote* upon which so much stress has been *affected*, but upon which, as occasion may soon present itself to demonstrate, so little is really *laid* by the anti-slavery conspirators—by which I mean those who wish to "run the institution down" *without* regard to the *real* wishes of the people, as contra-distinguished from those who have dealt fairly with the whole question from first to last. For those included in the latter designation, it need scarcely be added, I have no other words than those of courtesy, no other weapons save those of argument—whilst in respect to those who would carry through their conspiracy "in a hurrah," by chuckling over the stampedes which they have incited to Kansas, or the arbitrary confiscations of village *Provosts*, or by any other *spectes* of menace or unfairness, I have the honor to represent a people who but scorn their meanness, whilst looking forward to a period of the most *ample* retribution, whether remaining *in* the Union or driven *from* the Union. For one, I expect to continue in the Union as long as it even *pretends* to be "*the* Union;" and have no more doubt, in that event, that our slaves now in Kansas will be restored to us under the coming Democratic Administration, than that they have been stolen and withheld from us under the present Republican one—that being precisely the difference between the upright men who will have the offices and the "guns" over there a couple of years hence, and of the associates and commanders of our *negroes*, who too much control them *now*. Penitentiaries, too, will again come in fashion as the receptacles of thieves and their abettors; and the next Governor of Missouri will doubtless see men at work around the Capitol here, in the uniform of the *convict*, who have dishonored the uniform of "the *Union*," as well by their agency in stealing from *Union* men, as from all others who had anything to steal. But to be patient and proceed.

It is found by reference to the legislative returns in November last, that the entire House of Representatives was elected by an aggregate vote of fifty-one thousand, three hundred and thirty-five. As well as I can, I have also ascertained the vote by which the emancipation members of all complexions were chosen, and, after adding to it the "Clay Bank" vote of St. Louis, which was stronger then than it will ever be again, it foots up the aggregate of about forty thousand. The theory, therefore, that we should feel ourselves instructed by the *legislative* vote involves the absurdity, quite common with Abolition statistics, that forty thousand votes should control one hundred and ten thousand votes—even if it be supposable that the people of such counties as Pike, Boone, Howard, Lafayette, Jackson, and others, whose members voted (in whole or in part) for one or the other of the emancipation candidates

for the Senate, and are hence included in this forty thousand emancipation aggregate, really supposed they were voting for emancipationists of *any* practical degree. Dealing simply, however, with figures as I find them, and as they have heretofore been assumed, may I not respectfully repeat the inquiry, and demand to know upon what *theory* we are summoned to excuse ourselves to the one hundred and ten thousand who elected us, (to say nothing of the thirty thousand pro-slavery secessionists who voted against us,) and to yield the State to the insulting *behests* of an emancipation vote of less than forty thousand? I know but too well how an Abolitionist, with a musket at his shoulder or a sword upon his thigh, would reply to such an inquiry, for I have felt the "*pressure*" of such replies. That, however, but additionally suggests the *influences* which were brought to bear in the legislative as well as the congressional elections, and constitutes, of course, but an additional reason why we should at least *disregard* the lead of such a Legislature, if not, indeed, embargo its further action upon the question of slavery, until the voice of the whole people can be fully recognized and fully *heard*. Short of this, sir, the controversy will probably never be so settled as to remain settled; and this presents, perhaps, as good a connection as may occur to me in which to repeat my entire readiness to meet the whole question (*once for all*) in a full and fair canvass before the people of the State whenever (but *not* before) we can again have a peaceful, a full and a "free" election. In contrast with such an election as that, let us look for a moment longer, and a little more in detail, at the foundation for the behest under which we are well nigh *bidden* to follow the lead of the *legislative* majority of the recent session. Taking a few of the counties alphabetically, and omitting those where the representative vote was even a *third* as large as the Governor's vote in 1860, it is found that whilst the county of Barry gave 738 votes for Governor, her emancipation representative was elected by 91 votes, out of an aggregate poll of 122 votes; in Bates, by 35 votes against 1,128 votes; in Boone, by 603, against 2,656; in Cape Girardeau, by 456, against 1,489; in Cass, by 174, against 1,569; in Cedar, by 206, against 809; in Clark, by 345, against 1,753; in Dent, by 34, against 636; in Henry, by 238, against 1,556; in Jackson, by 412, against 3,253; in Johnson, by 496, against 2,720; in Lafayette, by 427, against 2,540; in Lawrence, by 171, against 1,185; in Marion, by 693, against 2,882; in Morgan, by 251, against 1,065; in Newton, by 13, against 1,314; in Phelps, by 239, against 829; in Pulaski, by 90, against 334; in St. Clair, by 137, against 740; in Schuyler, by 308, against 926; in Scotland, by 316, against 1,412; in Scott, by 95, against 825; in Stone, by 67, against 326; in Wayne, by 166, against 684; in Webster, by 324, against 1,009; and in Wright, by 115, against 559. (In addition to this, it appears from the list before me, that in sixteen of the Southern counties there was no election held at all—an omission which I merely bring to notice without any other remark than that the people over there are understood to be very determined in their opposition to anything that even *squints* at negro equality.)

I believe that each of the counties I have enumerated furnished an emancipation representative, neither of whom received even a *third* of the Gubernatorial vote of 1860, to say nothing of its natural increase in two years and three months. It will be seen, indeed, that their aggregate vote, as compared with the vote for Governor, was only a little more than one to *six!* I might have included in the enumeration thus compiled several other counties where the representative vote was less than one to three of the Governor's vote, (the county of the delegate from Platte, for instance,) but, inasmuch as the military and other measures which were resorted to in order to carry the State for the emancipationists were not quite successful in those counties, they are but alluded to as additionally suggesting the *utter* worthlessness of the aggregate of *such* an election, as denoting a line of policy for us to *follow*. On the contrary, it is in the spirit of technical submission to technical authority *alone* that the most loyal citizen can be called upon to abide by even the offensive *enactments* of such a Legislature, until they can be changed by another and a better one—"God send how soon."

Having thus sufficiently exposed the assumptions of the abolitionists in respect to the *representative* character of the body whose lead it is insisted upon we shall so submissively *follow*, I take leave of the party of the "cartridge-box," until such time as it will become my duty to more specifically expose its conspiracy against the "ballot-box," whereby *alone* the elections of a great State, of which we constitute to-day the only *true* representatives, were so prostituted as to embolden the conspirators in the

hope that even the *Tribunes themselves* might not be impervious to similar influences! O! if we shall but realize aright the unawed *sublimity* of our position — by which is meant, of course, that if we but reverently appeal for strength to act in accordance with the calm *judgment* of our constituents, in accordance with the "ETERNAL RIGHT"—as written down in the platform upon which so large a majority of us were "set apart" to act for them through *every* besetment and imperilment — such a change as will be even *radiant* in the countenances of "the men of the furrow and the workshop," who will cluster to meet us and to honor us upon our return, will convince even the "*conspirators*" against the civilization of our fathers, that whilst they have "played their last *card*," they have "won their last game." Even *they*, sir, will have at length to realize the great thought, that "MISSOURI WILL REMAIN MISSOURI STILL;" and in the future "high carnivals" of the base speculators upon a country's *ruin* they will doubtless be content if permitted to preserve the *rhyme* of their present political chorus, whilst but naturally abjuring its unspeakable *audacity*. "Let *us* STAY," instead of "drive *them* AWAY," will be the Abolition refrain in all the future, if we but manfully discharge *our* duties; and as I have already denoted that I *fear* no treachery, I will hence *not* yet pray

> "for a tongue to curse the slave,
> Whose treason, like a deadly blight,
> Comes o'er the *councils* of the brave,
> And palls them in their hour of might!"

It will have been noted, Mr. President, that I have addressed myself solely to the question of our moral power to even *entertain* the suggestions of the executive, seeing that the law under which we were elected devolves upon us the special duty of "*protecting*" the institution of slavery, and that so large a majority of us were correspondingly pledged in the platforms of our constituents. To this we voluntarily superadded the *oath* (page 12) that we would "support the Constitution of the United States and of the State of Missouri, and *faithfully demean ourselves in office*" — meaning, of course, that we *would* protect that "institution," as well as uphold the State and the Union. It is, therefore, as it seems to me, that as the citizen to whom we confided the executive duty implied in this pledge of "protection" seems rather to have "compromised" it than to have defended it, *our* duty would more appropriately consist in ordaining that no *further* inimical movement should be entertained or permitted from any quarter, than that we should become the instruments of *inaugurating* such a movement. Unless, therefore, it shall be denoted that the sense of the Convention is in disconcurrence with this view of the case, I shall of course forbear to enter upon the more general discussion to which we have been, as I conceive, so strangely, at least so inopportunely, invited, and will, at the proper period, submit a proposition accordingly.

For this reason, I shall make but the slightest allusion to the calumny that slavery, as an institution, is in any sense incompatible with loyalty to the Government, or that emancipation would tend, in *any* degree, to the restoration of the public tranquillity. On the contrary, who is there that will now be bold enough to deny that it was the mere *apprehension* of negro freedom and negro "equality" that filled the first army of Price with *non*-slaveholders, who had labored all their lives by the side of the negro *slave*, but who rebelled at the mere *apprehension* of having to do so by the side of the negro *free*?—and so it is to-day. Was it not, in short, the leprous outgivings of *abolitionism* that was (alas! but too successfully) laid hold of to "fire the Southern heart"? and has it not been but too *fatally* plied to widen and *confirm* our original complications, and to discourage the *true* friends of the Union — North as well as South? As to my "loyalty," therefore, it must suffice to say that it continues to be of the type put forth in the Union platforms of my district and my State — nothing more, and nothing less. Up to the period when it became but too obvious that the policy of the Administration in the conduct and *conclusion* of the war was to be so radically changed as to *repel* the support of those of us who had taxed our people and shouted forth our soldiers on the pledge of a totally *different* policy, I may but naturally appeal to all who hear me as witnesses of the single-hearted sincerity with which I co-operated, by vote and speech, in the various measures that were proposed to "restore the Union." Since that period, despairing wholly of *ever* seeing the "Union as it was," under the prevalence of a policy which has but serried its adversaries, whilst dividing its friends, I have of course not sought to discuss that my loyalty to the Administration has been simply that of a citizen who has discountenanced opposition to its *authority*, whilst wholly dissenting from its *policy*. As this, however, but the more fully confirms and

establishes my "loyalty" to my GOVERNMENT, all imputations upon it are of course as *meanly* false as it would be to charge me with infidelity to the Provisional Government of my *State*, which I contributed to call into being, merely because I cannot follow the executive leadings of either the State or the Federal Government, in what I regard as the *reversal* of the purposes and the pledges upon which they won my original co-operation.

Upon this I need scarcely say that I am content to stand or fall before my constituents and the country, and have hence but to add my thanks for the patience and courtesy with which I have been listened to upon a point which seemed to me to be *preliminary* to the consideration of the message in detail. Upon that I will of course not enter, unless it be denoted as the judgment of the Convention that it be taken up and discussed at large, in which event it may be pardonable to add that I shall not *wholly* distrust my ability to review the statistics, and otherwise reply to the arguments of the paper — ingenious and able as I conceive it to be — but proceeding upon assumptions and theories from which not alone my "sympathies," but my entire judgment, now, as heretofore, so wholly and so radically dissents; and which I take leave to repeat, in conclusion, cannot be pressed to anything *like* a final consideration at *this* time, without *aggravating* the dissensions they mistakenly assume to heal. Talk even of an *election* in such times as these, sir! Compare the vote, I pray you, that has just been cast for supplying the vacancies which had occurred in our own body — a dozen in all — scattered over every division of the State, and to the last degree important — aggregate the whole result, and answer me if such a vote as *that* should be left to decide the great social *questions*, and the domestic and economical *interests*, which we have been most inaptly called here to consider? From the returns of those elections, as estimated from those already in, and as contrasted with the returns for Governor nearly three years ago, it is believed that the vote for Delegates has not exceeded a *seventh* or an eighth of the Gubernatorial vote; and yet, sir, the organs of radicalism, the State over, have the audacity to denounce a "*woe*" upon those of us who fail to come up to *their* extreme demands, which they will continue mendaciously to allege is "the will of the *people!*" The will of the *people*, sir! Who, on the contrary, has been so *pitiably* blind as not to have seen in these elections the workings of a pre-arranged terrorism, which should intimidate and *repel* the great body of the people, instead of the fair and "free" ballot to which they were born by constitutional *guarantee*, and which we ourselves have voluntarily sworn to observe and defend? Who, moreover, so unappreciative of the necessity to "*put through*" by terrorism that which was conceived and hoped for in that reliance alone, as not at least to have looked and listened in the direction of congenial military radiations for the *coup d'etat* which should now overreach and overawe the *representatives* of the people, as it had already done the people themselves. Whether in this assembly of Tribunes there is or is not a member thus blind and unappreciative, it may not be inappropriate, as unveiling the last resort of "the conspirators" to whom I have so often alluded, that I send to the Secretary a copy of a printed letter, over the well known signature of the late military commandant of this "Central District," with a request that he shall relieve me by reading it in my stead. [The Secretary read as follows:]

JEFFERSON CITY, June 5, 1863.

DEAR SIR: In consideration of the meeting of the Convention at an early day, and of the meeting of the Legislature, in November, it is thought advisable by many of our friends that the loyal people throughout the State should give some definite expression of their wishes in relation to the important question that it is probable will be agitated before those bodies at their ensuing sessions.

It is very desirable that resolutions should be adopted, in every county in the State, embodying the following principles and measures:

1. Immediate emancipation with apprenticeship for a limited number of years.

2. Immediate elections to be ordered by the Convention for Governor and other State officers.

3. The declaring by the Convention the ordinance disfranchising rebels permanent, and making it part of the fundamental law of the State.

4. The adjournment of the Convention without day.

5. In case the Convention adjourned without adopting these great reforms, then a call by the Legislature of another Convention, to which these propositions shall be submitted.

6. The election by the Legislature, without delay, of two Senators possessing the unlimited confidence of the friends of the above measures.

The destinies of Misiouri, and indeed of our country, are trembling in the balance. Our only hope rests in the great body of the people. It appears to us that in Missouri concert of opinion and action is absolutely necessary. If in the several counties our friends adopt various opinions and platforms of action, our strength will be dissipated, and confusion, and strife, and ultimate defeat be the only results. Hence the necessity of adopting a common platform of action, and a concentration of all our force. It is thought that meetings of the people and expressions of their opinions, in the most energetic and decided form, ought to be had in every county and in every considerable neighborhood, and that as frequently as possible, until these great reforms shall be accomplished.

Will you, for the sake of the right cause, see that such meetings are properly called, and that resolutions expressing the principles and measures above indicated are adopted? Spare no pains to have the meetings large and enthusiastic, and have meetings held as early as possible.

Arrangements have been made by which, it is hoped, similar meetings will be held in every county in the State where loyal men dare assemble.

Very respectfully, your ob't serv't,

BEN LOAN.

Weary as I find myself to be, Mr. President, I propose at present no further amplification of this last "order," than to repeat the suggestion that it is but the natural culmination of a well understood *system* of "terrorism," which having but too successively repressed the *utterance* of opinions adverse to its own domination, seeks now to crown its offences against "free" *elections*, by palming off upon us and our constituents its own unresisted *manufacture* of public sentiment, as the "spontaneous" uprising of a great PEOPLE! Let those (if any) who either *desire* an excuse of this character, or who are content to bow themselves to such contrivings, do so. There are at least many of us who know too well the *modus operandi* by which opinions are wrought out in the interests of unscrupulous military commanders not to be able to distinguish between even the soldier under *duress* and the soldier when again a *citizen*—and so of all within the influence of the same or similar considerations. I have said already that I will not at this time enlarge upon this circular of General Loan—tempting as it is in its every line and purpose—but will leave it to others, as containing in itself the textual of a longer speech than the one I have already made longer than I originally intended.

It is but added, therefore, that whilst the papers which will be laid upon our desks upon the arrival of each succeeding mail will doubtless continue to reflect back upon us the "well made up" proceedings of what will purport to be the "sentiments of the people," each member will, of course, be able to estimate for himself the degree of consideration which should be given to *accounts* of meetings thus gotten up "to order" throughout the State. For myself, I close as I commenced—ready with the contribution of an unaffected homage to the deliberate and the "*free*" will of "the men who fight the battles, and pay the taxes, and feed the armies of the Republic"—ready to submit to it in the future, as in all the past, with all my sympathies and all my interests, but scorning its counterfeit, and resenting its wrongs, whether it be conspired against in the camp, the closet, or elsewhere. In my opinion, moreover, it depends upon the enlightened firmness with which we contemn and *expose* such attempts to overreach and overawe the people, whether by our action here we shall allay or *confirm* the apprehensions which contribute, in my section, almost the *sole* disquietude which these conspirators would torture into "disloyalty," and visit (quoth the the circular) with *permanent* disfranchisement!

Deal with it, Delegates, as you list—each being responsible to his own constituency, his own character and his own conscience.

Mr. DRAKE gave notice that on Tuesday he should submit the following resolutions on Emancipation, which were read by the clerk:

"*Resolved*, That it is expedient that an ordinance should be passed by this Convention, providing as follows:

"1. For the emancipation of all slaves in this State on the 1st day of January, A. D. 1864.

"2. For the perpetual prohibition of negro slavery in this State from and after that date.

"3. For a system of apprenticeship of the slaves so emancipated, for such period as may be sufficient to avoid any serious inconvenience to those interests with which slave labor is now connected, and to prepare emancipated blacks for complete freedom.

"4. For submitting said ordinance to a vote of the people, for their ratification or rejection, on the first Monday of August next."

Mr. Orr objected, and moved their reference to a Committee of nine.

THE CASE OF V. MARMADUKE.

Mr. Hall of Randolph, by permission of the Convention, offered the following report from the Special Committee to whom was referred the communication of the Provost Marshal General:

"The Committee to whom was referred the communication of the Provost Marshal General of Missouri in relation to the case of V. Marmaduke, a member of this Convention, beg leave to report, that, on investigation of the grounds of the order of banishment against Mr. M., they find no allegation which would disqualify him as a member of this body, or make it in any respect improper that he should be permitted to attend our present session; we therefore recommend the adoption of the following resolution:

"*Resolved*, That the Provost Marshal General be requested not to interpose obstacles to Mr. V. Marmaduke's attendance at this Convention."

Mr. Hall. I do not understand the Provost Marshal General to say that he has no objection to Mr. Marmaduke's coming to Jefferson City, but simply that the Commanding General prefers to leave the matter to this Convention, and if it expresses a wish that Mr. Marmaduke should take his seat, the Commanding General will consent in courtesy to the wishes of the Convention. If I am wrong in regard to the interpretation of the letter, I beg to be corrected.

Mr. Drake. Here is an individual who, for disloyal acts, is now, as General Loan told me, a prisoner of war. Mr. Marmaduke has never taken the oath that I was required to take before being elected to this body; and perhaps if he were called upon to take that oath, he would refuse to do so. But whether he would or not, it is enough for the present that he is at this moment a prisoner of war for disloyal conduct against the Government of the United States; and we are called upon now, as the representatives of the people of Missouri, to send an invitation to St. Louis for Mr. Marmaduke, a rebel, a prisoner of war, so far as military action makes him so, to come here and participate in the deliberations of this body, and settle the affairs of the State of Missouri. I, for one, will vote against any such proceeding.

There are seven of us sworn in here to-day, whose consciences were arraigned before God in witness of the most uncompromising loyalty, past and present, to the United States, before a vote could be counted for us by the canvassing officer in the districts where we were elected; and yet we, the representatives of Missouri, are asked to invite here, to participate in conducting the affairs of the State, a man who never took that oath, and who, since he became a member of this body, has done things that required the military authorities to put their hands upon him and hold him! I, for one, will not do that thing; nothing on this earth will induce me to do it.

Mr. Hall of R. The military commander has not extended the limits of his parole to Jefferson City, because it would *look* as though he had done so for the purpose of sending a member to the Convention, or inducing him to attend, and because he thought it would be more courteous to the Convention to put it in this form; that the Convention should say whether it desired he should remove the obstacles at *present* in the way of Mr. Marmaduke's attendance here. The Commanding General did not do so without the sanction of the Convention, because there might be a feeling that we had undertaken to favor his attendance. No charges have been preferred against Mr. Marmaduke, and therefore I hope the Convention will request that that gentleman be allowed to take his seat, as it is important that his constituents be represented.

Mr. Drake. And now, because the Commanding General did not wish to put himself *in that position, he wishes to put this Convention* in the position of inviting this prisoner of war to its deliberations. And upon what ground does this Committee make this report? Upon the examination of documents from the Provost Marshal? No, sir; they go into the lobby, and they talk with the citizens of this place, and they speak of an interview between Gen. Loan and myself, and upon this they come to the Convention and ask us to do this deed! I cannot consent to it. I see nothing in it but the deepest humiliation to every individual member of this body, and, before a vote is taken, I move a call of the House.

Mr. Sample Orr. The gentleman from St. Louis has spoken a little too stiffly for a youth; he is cutting in almost too deep. He knows nothing about him except that he is a prisoner of war for treason.

Mr. Drake. No, disloyalty.

Mr. Orr. I stand corrected. It seems ex-

traordinary to invite a traitor here to participate in the deliberations of this assembly; but there are other gentlemen here that stand indicted for treason. I was tried for treason four days last week, and am, perhaps, considered a contamination to this body. While you contend for the exclusion of members because they are charged with a crime, without conviction, it is not with a solitary case, for there are five or six gentlemen who are here under a similar charge. I stand before you charged with treason, and may be shot before this week is out, for aught I know; but I do not ask it as a courtesy of the Provost Marshal; I have a right to be here, and I intend to be here until I am excluded by a vote of this Convention. I suppose there is no charge against Mr. Marmaduke; if there is, the Provost Marshal has been a long time in getting it up; this thing of charging a man with treason because he differs somewhat with the privileged factions of this country, as to its government, is becoming a little too much for me. But I ask no courtesy. I thank God that charge and conviction do not mean one and the same thing.

Mr. Breckinridge. I have drafted an ordinance of emancipation and apprenticeship, and I ask to be allowed to introduce it that it may be read.

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION AND FOR THE EMANCIPATION OF SLAVES.

Be it ordained by the People af the State of Missouri in Convention assembled, as follows:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abolished.

Sec. 2. From and after the first day of January, A. D. eighteen hundred and sixty-four, slavery and involuntary servitude, except for crime, or as hereinafter provided, are abolished, and all slaves on that day within this State are hereby declared to be free: *provided, however,* that they and their issue thereafter born shall thereupon be and become indentured apprentices to their former owners, their assigns or representatives, and as such held to service and labor from that date until the fourth day of July, A. D. eighteen hundred and seventy-six, and no longer.

Sec. 3. No apprentice of the class provided for in this ordinance shall be removed from this State during the term of his or her apprenticeship; and it shall be the duty of the Legislature, without delay, to pass laws with appropriate penalties to prevent the same.

Sec. 4. It shall be the duty of the Legisature, without delay, to pass laws: To secure the humane and proper treatment of said apprentices by their masters and mistresses respectively; to secure the return to service of any such apprentice who shall abscond or depart from the service of his or her master or mistress; for the punishment by fine or by imprisonment, or both, of every person who shall counsel, persuade, entice, or assist, any such apprentice to run away or absent himself or herself from the service of his or her master or mistress; and of every person who shall entertain, harbor, or conceal, any such apprentice, knowing him or her to be a runaway, or to have absented himself or herself, without leave, from the service of his or her master or mistress; to provide for the creation of a fund by taxation or otherwise, and for the proper distribution and application thereof, for the support of all free blacks who shall become free under the operation of this ordinance, and who by reason of extreme youth or age, sickness, insanity, idiocy, or other cause, are unable to maintain themselves.

Sec. 5. The right to the services of any such apprentice may be relinquished by his or her master or mistress, by deed duly acknowledged and recorded in the office of the recorder of deeds of the county in which the grantor resides, and thereupon the said apprentice shall be free from all claim of service.

Sec. 6. No future assessment of slave property shall be made in this State, and taxes now assessed against such property shall not be collected, nor shall the right to the service of apprentices under this ordinance be held for any purpose to be the subject of taxation.

Sec. 7. Section one, section two, and

section three of this ordinance shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and sixty-four; sections four, five, and six, shall take effect and be in force from and after their passage.

On motion of Mr. McFerran, the Convention adjourned to Tuesday morning, 9 o'clock.

SECOND DAY.

Jefferson City,
Tuesday, June 16, 1863.

The Convention met at 9 o'clock.
Prayer by the Chaplain.

THE CASE OF V. MARMADUKE.

Mr. Hall of Randolph. I move the previous question on the adoption of the report of the Special Committee to whom was referred the communication of the Provost Marshal General.

Mr. Drake of St. Louis. I ask that it may be momentarily withdrawn, that I may offer a resolution, as follows:

Resolved, That while the Convention may be of opinion, from the information now before it, that Mr. Marmaduke might, if present, take his seat as a member without objection, they respectfully refer back to the military authorities the question of the extension of his parole.

Mr. Hall of R. It is due to this Convention that no more time should be taken up with this subject. I must insist upon the previous question being taken up.

Mr. Stewart. I call for the ayes and noes. I would like to know whether debate on the important question of admitting a rebel to a seat in this Convention is to be choked off.

Mr. Drake of St. L. I would request that the gentleman withdraw his motion, for the purpose of enabling me to offer an amendment.

Mr. Hall of R. On application of the member from St. Louis, I withdraw the motion in his favor.

Mr. Broadhead. I beg to be allowed to make an explanation in reference to the case of Mr. Marmaduke. As far as I am able to ascertain the facts, Marmaduke was arrested some time since by Gen. Loan, and was banished from the State of Missouri, on the ground of disloyalty. Upon what particular evidence, he was not able to state, as he had seen no record of the proceeding, if any had been kept. Afterwards, upon the application of Gen. Loan, as he was informed, his parole was extended to the city of St. Louis, and subsequently Col. Dick, the former Provost Marshal of this military department, extended his parole for a short time, to Saline county.

A few days ago Mr. Marmaduke applied to have his parole extended to Jefferson City, with the view of enabling him to take his seat in the Convention.

Now, whilst the military commandant of this department knows of no military reason why his parole should not be extended to Jefferson, as it had previously been extended to Saline, for a short time, he thinks it proper to submit the matter to the Convention, for the simple reason that he does not wish to do an act which may seem to have the appearance of thrusting upon the Convention a man who has been adjudged by the military authorities to be disloyal, nor to interpose his authority, if, in the judgment of this Convention, it is proper that he should take his seat as a member of that body.

It has been intimated that Gen. Schofield has undertaken, by this course, to shift the responsibility of this matter from his own shoulders and throw it upon the Convention. It is not so, sir. He seeks to avoid no responsibility which belongs to his position; but out of respect to this body, which represents the people of the State, he thought it eminently proper, as it seems to me every reflecting man must think, that, in the absence of any military reasons to the contrary, the Convention should judge, as a political question, whether it is proper that he should take his seat as one of its members. The Convention certainly is not precluded, by the action of the military authorities, from determining for itself whether Mr. Marmaduke is or is not loyal; and the Commanding General, by the course pursued, has simply said that he will respect such action, so far as the question of taking his seat in the Convention is concerned. If there were

any military reasons against it, he would take the *responsibility* of refusing to extend parole, no matter what might be the action of the Convention in this respect; but, in the absence of any reasons of that kind, all such questions should be submitted to the civil authorities—and for this course the Commanding General deserves the highest commendation.

The PRESIDENT. Shall the main question be now put? A two-thirds vote will be required to carry it.

The question being put to the vote, it was negatived, the result being—yeas, 31; nays, 33.

ON EMANCIPATION.

Mr. SOL. SMITH offered the following, entitled

AN ORDINANCE FOR THE EMANCIPATION OF SLAVES.

The People of Missouri, in State Convention assembled, do ordain as follows:

Section 1. No slave shall come into this State for permanent residence therein.

Sec. 2. On the fourth day of July, eighteen hundred and seventy, slavery shall cease forever to be an institution of Missouri.

Sec. 3. The Legislature may, by law, declare the political *status* of free persons of color, and provide, by a just and humane system of apprenticeship, to be exercised through county authorities, against such persons becoming a public charge.

Mr. DRAKE of St. Louis introduced the following resolution:

"*Resolved*, That it is expedient that an ordinance should be passed by this Convention, providing as follows:

"*First.* For the emancipation of all slaves in this State on the first day of January, A. D. 1864:

"*Second.* For the perpetual prohibition of negro slavery in this State, from and after that date:

"*Third.* For a system of apprenticeship of the slaves so emancipated, for such period as may be sufficient to avoid any serious inconvenience to those interests with which slave labor is now connected, and to prepare the emancipated blacks for complete freedom:

"*Fourth.* For submitting said ordinance to a vote of the people, for their ratification or rejection, on the first Monday of August next."

Upon this resolution Mr. DRAKE spoke as follows:

The intention of presenting this resolution is to ascertain, as soon as practicable, the sense of this body on the important subject in regard to which, principally, we are called together. Of course I do not indulge the hope of its escaping opposition. I therefore deem it proper to accompany its presentation with an exposition of the reasons which have influenced me to offer it. I will, first, briefly refer to my own position, and then state, with such fullness as may seem to me necessary, the grounds upon which I favor a plan of emancipation such as this resolution points to. I respectfully crave the candid attention of the Convention.

Entering this assembly a stranger to two-thirds of its members, it is fit that I should indicate my past position and present views in regard to the institution of slavery, in order that all may understand that in no respect am I influenced, nor shall at any time willingly permit myself to be, by any fanatical opinions or feelings against it as a system of labor. If I know myself, I approach the subject with as much coolness of head and calmness of spirit as if it had never been, with me or others, a matter of excited discussion. I know nothing of my own mind and heart, if I am not actuated by a sincere desire to see the path of duty here, and to walk in it because it is the path of duty. And I mean not duty shaped by foregone conclusions, by party behests, or by unregulated enthusiasm; but duty to the highest and purest dictates which can influence me, in view of my responsibility to the people of Missouri, to posterity, and to God. That duty I will strive to follow, wherever it may lead, and whatever the consequences.

At no period of my life, until after our national flag was lowered—but not degraded—at Sumter, was I, in the commonly understood acceptation of the term, an anti-Slavery man; much less could it ever have been truly said of me, before that event or since, that I was an Abolitionist, in the sense in which that name was applied and understood for many years before the outbreak of the rebellion which now wars upon the Union, and has brought such accumulated wretchedness to our own State. But from the day of Sumter's fall, I hesitate not to declare here, as I have, in effect, in other places, that my preconceptions in regard to the character of the institution of Slavery have been gradually swept away before the ever-swelling tide of conviction, that there never was any

other origin of this rebellion, nor any other sustaining power upholding it, than the widespread, long-formed, deliberate, and audacious purpose to build upon Slavery a mighty Empire, which, beginning its march on the shores of the Gulf of Mexico, and spreading, first westward and southward, should, in the course of years, as it gained establishment, influence, and power, turn northward, to invest Slavery forever with "the mastery of this whole continent." As that conviction slowly but certainly fixed itself in my mind, another grew up there, equally forcible and steadfast—that the movement which Slavery made, in such godless defiance of all obligations, human and Divine, to establish itself by the Sword as a Power upon this continent, presented to every human being in the land the instant and unavoidable alternative of suffering this great nation to be destroyed, or of destroying Slavery, its assailant, wherever it was in arms against the Union. When that became apparent to me, I became the foe of Slavery, without a moment's misgiving, wavering, or thought of change. I saw it was Country or Slavery; and I should have held myself a coward and a traitor, if so seeing, I had hesitated one second of time as to my course.

In this brief statement you have the explanation of my present hostility to Slavery. I announce it at the opening of my service in this body, for two reasons: First, that my compeers here may fully understand why I, once a political defender of Slavery, am now its enemy; and Secondly, that if there are any here who, in this desperate conflict between American Slavery and American Liberty, are on the side of Slavery, they may make it known. This is the time and this the place for every man to show under which banner he ranges.

But, perhaps, there may be those who, agreeing with me as to Southern Slavery, are yet of the opinion that Missouri Slavery does not deserve a like condemnation. Were I of that opinion, it might modify my views and action here; but my judgment is, that *the spirit* of American Slavery is everywhere essentially the same, and that the history of the rebellion proves it. Look at our sister State on the East, and mark the contrast between her and Missouri during this war. We have been ravaged, while she sits composed and unharmed in her queenly beauty. Our soil has drunk blood like water, while hardly a stain of it is on hers. Armies have marched and countermarched, skirmished and fought within our borders, while not a battle, great or small, has been waged within hers. Whole sections of Missouri present tenantless houses, while her habitations are filled with prosperous and happy people. Here, thousands of deserted farms are overgrown with weeds; there, the whole land yields bounteously to the hand of peaceful and thrifty labor. By every roadside in Missouri lie the bones of those slain by the stealthy shot from the bush, while the citizen of Illinois, old and young, male and female, travel her quiet highways, as free from molestation or fear, as if Slavery were waging no war against their country. And while no incendiary fires light up her blooming prairies, the guerrilla's fiendish work blazes almost nightly in lonely spots in our devoted State. Never did river divide two such variant scenes in the midst of one people. What means this most striking difference? Every member of this Convention knows, or may know, with as clear and undoubting certainty as he knows that the breath of life is in him, that there is but one possible solution of the contrast, and that *is*, that Slavery is in Missouri, and is not in Illinois! That is what has brought upon our people the aggravated horrors of the last two years; that is what renders life and property in many parts of Missouri more insecure than it would be in our Indian territory; that is what requires our militia to be armed and alert; that is what arms multitudes in Missouri in defence of their homes and their lives; that is what fills our noble State with a bitter and biting curse, wasting away her very life, and making her, in many parts, but the stark skeleton of her former self: and it is with that we have to deal in this body, representing the personality and the power of her wronged and afflicted people. Who doubts, then, that the spirit of Slavery is everywhere the same? True, it may be more actively ferocious and implacable in one region than in another, as the surrounding circumstances excite or repress its action; but still in all places it is essentially identical. And as Missouri Slavery has, through many of its votaries and defenders, shown itself even more rapacious and relentless than Slavery in other border States, I can perceive no title it can urge to a stay of that execution of Slavery here, as over this whole land, by warlike or by peaceful means, which is to mark its retribution as a traitor and a parricide.

The institution of Slavery in the United States was doomed to extinction when South Carolina, by her ordinance of secession, at-

tempted to make it the corner-stone of "a Confederacy of slaveholding States" on this continent. From that hour, what had before been not only tolerated, but courted and caressed, lost its hold upon the patriots of the nation, and has finally became intolerable. The President's Proclamation of Emancipation was but the result of a resistless necessity laid upon the nation to crush its only intestine foe. That Proclamation declared Slavery extinct throughout rebeldom on the first day of this year, and, practically, it there ceased to be from the day that thunderbolt fell upon it. No power on earth can resuscitate it there; and it lives in the loyal slave States only until their people can, by their own peaceful action, do for it among themselves what the President, by war-like means, has done for it elsewhere. The crime which invoked his action was not merely that of men acting in the interest of Slavery—it was the crime of *the institution* itself, which creates and fosters a passion for predominance and power; and for that crime the institution must fall everywhere throughout this land. To leave it standing on any spot of this country is to leave the way open for future revolts, disturbing the peace of the nation and threatening the life of our free institutions. The people begin at last to comprehend this fully, and they are willing to abandon Slavery to its fate, and thereby save their country. Pre-eminently and nobly is this true of the people of Missouri. They are resolved and ready to sacrifice Slavery on the altar of patriotism. Their recent manifestations, in my view, leave little room for cavil or doubt on this point. In their minds there is no holding back, whatever is in the minds of politicians. Their will may possibly be baffled for a time, but it will certainly conquer. We, their legally delegated representatives, will do well to heed their voice. I, for one, will do so.

The circumstances under which we are called to consider the subject of the emancipation of slaves in this State are without a precedent, unless the recent movement in West Virginia should be considered in some sense a precedent. We are to act under the influence of a conviction forced upon us by the peril threatening our nation, and because it is manifest that as long as this war continues and Missouri is a slave State, she will, for that reason, be subject to incursions from abroad and to convulsions within, which will cripple her energies, waste her resources, and cover her people with disaster and grief. In previous instances, Emancipation has been accomplished in the midst of peace. There is therefore no similarity of condition between Missouri and any of the States of the Union which in former years adopted gradual systems of Emancipation. With them, the whole case was within their own grasp, free from external pressure; with us, external circumstances, over which we can exercise no efficient control, combine with our internal condition to create the exigency which calls for Emancipation. Their modes of action, therefore, should not, in my judgment, be a criterion for ours. They could afford to take their own time to put Slavery away—with us, time is not at our disposal, if we would place Missouri completely and forever beyond the hope of Southern traitors, and free her from the curse of home-bred treason. The times demand early, direct and effective action—in my opinion, demand *immediate* Emancipation and the final exclusion of Slavery from our territory. I am quite aware that this is a proposition to revolutionize, in a considerable degree, the social organization of our State; but it is a revolution to save us from blood, instead of plunging us into it; a revolution for peace, not for war; a revolution for prosperity, not for adversity. If I can succeed in inducing others to view it in this light, I shall not doubt the ultimate issue of the action of this body.

I do not intend at this time to discuss to any extent the statistics of Missouri slavery, nor does it now appear to me important to discuss them at all. Should my views on this point undergo a change, I may hereafter participate in statistical discussions, if they arise. There are great general aspects of this most weighty subject, which seem to me to take in enough to sustain the position I have assumed, and I shall therefore at present confine myself to them.

In the first place, it has ever been a cardinal doctrine of the Southern advocates of Slavery, that it must have room for unrestricted territorial expansion. I admit that if it is to exist at all, as it exists in the South, it must have such room. The tendency of Slavery is to large landed estates, with few whites and many slaves. This requires constant extension of the territory occupied by Slavery. And such is the greater ratio of increase of slave population than of the white race in some parts of the country, that to restrict Slavery there to certain defined and inexorable limits would, in the course of time, result in the exclusion of the whites and the abandonment

of the country to the blacks, or their constant subjugation by armed force to the dominion of their masters. Though these views may not apply as forcibly to Missouri as to the South, still, while Slavery exists there and here also, she is a party to their demand for the territorial extension of Slavery. And now, what is her present, and what is to be her future, position on this point? Let us frankly meet the truth as it stands. She is totally cut off from the possibility of aiding in expanding slave territory, or of being a participant in any such extension, or in any possible scheme having that end in view. I can conceive of no circumstances under which she can be severed from the Union. As I said in a public address in April, 1862, so I say now, that "the National Government would wage endless war—and ought to do so—rather than suffer her to become the possession of any foreign power. Her destiny, therefore, is fixed, finally and irrevocably, in the Union." In considering her relations to Slavery, we are, therefore, to regard her as isolated from the insurgent States as absolutely as if an ocean rolled between her and them. With territory on her eastern, northern and western borders made free by the will of the people there, and with territory on her southern border made free by the power of the nation through the laws of war, she is to have no part or lot hereafter forever in any plan, or hope, or dream of Slavery extension. Hence, one great ligament binding her to that institution is broken, never to be reunited. We are therefore to deal with this subject in the light of the most important fact. And what is its significance to us? In my judgment, it points to a severance of all ties of sympathy between us and an institution which by its war upon the Union has, within two years, brought calamities upon the country vastly overbalancing all the benefits which its most ardent friends could claim to have resulted from its whole existence in this land.

With this primary point settled, two inquiries, closely allied to each other, arise, viz: 1. What has Missouri gained by the existence of Slavery within her borders? and 2. What can she expect to gain by its continuance there?

If you point, in the past, to her agricultural productions, largely the result of slave labor, I admit the fact, but direct you to the far greater amount produced by Illinois, in less time, with free labor. If you refer to her rapidly increasing population, I refer you to the marked superiority of Illinois, and even Iowa, in that respect. The latter, twenty-seven years ago, had hardly a white inhabitant; now it is the home of nearly seven hundred thousand people—more than half as many as sixty years of American occupancy have brought to Missouri. If you look at her railroads, which have entailed a debt of more than twenty millions of dollars upon her, I show you half as much in Iowa, and three times as much in Illinois, without a dollar of State debt upon either of them. You can probably name no particular, except the culture of hemp and tobacco, in which Missouri is not far behind her adjacent neighbor on the east, and soon will be behind her northern neighbor, if Slavery remains among us. In regard to those two items of production, she has been placed by slave labor in the advance; but already since, for the sake of Slavery, she was dragged into the arena of this fratricidal war, she has probably lost ten times more than all the profits of her hemp and tobacco ever since she became a State. How, then, stands the account of profit and loss in the past from her connection with Slavery? Does any one—can any one doubt that the loss of what she might have been more than she is, and the actual loss in war of what she had, will more than outweigh the largest estimate of the profit she has derived from Slavery?

Does the future offer any more cheering prospect? With Slavery remaining among us, are we to gain upon, or even keep up with, our neighbors in the race of progress and improvement? Are we to move forward with any more rapidity than in the past? Heretofore, with as fertile lands as Illinois or Iowa, at less than half the price of theirs, the tide of emigration has, to a large extent, avoided Missouri. What is to make it different in the future? After this war for slavery extension and empire shall have ended in the complete and final overthrow of Slavery throughout the rebel States—as it certainly will—is it likely that the adventurous sons of the free States will be so enamored of Slavery as to seek homes in the few remaining States which still cling to this arch enemy of the Union? No thoughtful man expects or believes that they will. It is therefore as certain as anything future can be, that, as a slave State, Missouri is still to be, as she has been, a laggard in the march of progress—is to be far behind what, as a free State, she is capable of being—is to be ever struggling with a self-imposed burden, pressing her down and paralyzing her energies till, in

some more favored hour, her people rise with one mighty impulse and shame us by doing what we had it in our power, but lacked wisdom or nerve to do. In the meantime, who can estimate the loss to Missouri by her failure to assume a position of equality with her neighbor States? How much hemp and tobacco, raised by slave labor, will balance the account? We want *population!* We want it for our immense territory, hardly yet begun to be developed; we want it for our deserted farms and abandoned homesteads; we want it to unearth our exhaustless stores of mineral wealth; we want it to replace the thousands of our people who have fallen, and are yet to fall, victims to this cruel war; we want it to renovate our drooping commerce, to complete and sustain our improvements, to give increased value to our lands, to help pay our debt; we want it, in short, to make Missouri as great in her mature development as she is in her native resources; and, in my deliberate judgment, we shall not get it while Slavery is among us, and shall get it, certainly and soon, if we put Slavery away from us.

These are the general views which implant within me the resolute purpose, for the good of Missouri, to contribute, in every way I can, to remove from her territory an institution which, I verily believe, has injured, incomparably more than it has benefited her; which promises no compensation to her people for past calamities; and which, so long as it abides among us, is to repress her vigor, retard her growth, and stimulate treason, disloyalty, aud rapine. In these views I am satisfied the great majority of the loyal people of this State concur.

But while it may be conceded by others that a large majority of the loyal people of Missouri are for Emancipation in some form, it may be denied that such a majority exists for immediate Emancipation. This I propose to leave to their decision at the ballot-box. To that decision, if adverse, I will bow with the respect due from every man in a republic to the fairly expressed will of the majority. I desire, however, to place before the people's delegates, and eventually before the people themselves, the considerations which influence me to espouse immediate Emancipation.

In the first place, I believe it of the highest importance in reference to the peace of Missouri, that emancipation should be immediate. It is of the utmost interest to our people, not only to be themselves assured that Missouri is to remain forever a part of the Union, but to feel that the whole country has that assurance. Especially is it of the gravest moment to them, that all rebeldom should know, past all peradventure, that all attempts to entangle her in their meshes are, and are forever to be, utterly futile. It is most evident that the rebel leaders have not yet come to know or believe that she is beyond their grasp. A part of their plans has been to make the Missouri river their northern boundary; and it requires something more than fighting to make them yield that idea. As long as their piratical power remains unbroken, they will strive to subject Southern Missouri to their dominion. And as long as there is any belief among our people of the possibility of the accomplishment of that object, so long will the spirit of revolt and plunder be rife amongst us, making life and property insecure, unsettling the foundations of our prosperity, driving valuable population into the surrounding States for safety, and preventing accessions of people from abroad, except to those populous places which have within themselves the capacity of self-defence. Every attempt, too, by the rebels to establish themselves within our limits, whether successful or not, must be attended with terrible injury to our people; to say nothing of the horrible outrages of the guerrilla and the bushwhacker, carrying fear and desolation into almost every neighborhood; or of the murderous affrays between individuals, which have already caused so much bloodshed, and threaten so much more. I wish, if possible, to put a speedy and final end to all this, by destroying that which, in my opinion, is its sole cause. I do not suppose there is a member of this body, who believes that if Missouri had been a free State she would have been subjected to the five-hundredth part of the evils that have befallen her. Bordering southward upon Arkansas, with no natural boundary separating her from that State, we could not have expected such immunity from invasion as Illinois has enjoyed, with the Ohio river on her south; but still, without that advantage, we should have been comparatively free from rebel incursion, if there had been no Slavery among us. It was our being a slave State that caused the attempt to take Missouri into the rebel confederacy; it was our being a slave State that led some fifteen thousand of our citizens into "Price's Army;" it was our being a slave State that invited that army into our borders; it was our being a slave State that has filled our woods with thieving and murderous banditti;

in fact, it may be said, without exaggeration, that hardly a misfortune has befallen our State within the last two years, which is not directly and fairly due to the existence of Slavery among us.

And to me it is equally apparent that these calamities will cease almost instantly upon the final and irrevocable displacement of Slavery from our soil. I wish them to cease at the earliest available moment; and every patriot, every Christian, every humane man must join in that wish. It will be gratified, if Slavery is put away from us, in such a way as to leave no hope of its return. A gradual system of Emancipation, extending through a series of years, would invite agitation for its repeal the moment this war is ended; a declaration of immediate Emancipation closes the door forever against all agitation, and gives us peace. Let no one say that such agitation will be impossible after the adoption of an ordinance of gradual Emancipation. It will be possible, and probable too, whenever the General Assembly shall repeal the test-oath ordinance of June, 1862, and restore to the privileges of citizenship the bloody-handed marauders who have ravaged almost every part of Missouri; as, in my opinion, that body will do whenever, by dissimulation, cajolery, and fraud, disloyalty shall be—as it probably will be, unless baffled by some action of this Convention—in the ascendant there again.

I would lift from off our State the deadly incubus which weighs it down, and at the same time leave not the least ray of hope of its ever being again imposed upon us. In my judgment, immediate Emancipation will do this, and I cannot see that anything else will. For the sake, therefore, of present peace and lasting repose, I am for immediate Emancipation.

But not alone on the plea for peace to our people do I base my advocacy of this policy. As a mere question of political economy, I hold it to be directly and greatly to the interest of our State to declare immediate Emancipation. As we all know, the slaves of Missouri are, to a large extent, its agricultural and domestic laborers; in some sections almost its only ones. I understand, I think, nearly as well as the people of those sections, that to take from them suddenly those laborers, without replacing them with others, would work extended and serious injury; and, paradoxical as it may seem to some, it is to avoid that very result that I would make Emancipation immediate. If it be asked how this is to be done, I point to the condition of our slave population, as known to every observing and reading man. In whole sections of the State they are in a ferment; while in no section, so far as I can learn, are they in the quiet condition of two years ago. They are moving, or being moved all over our territory. From the eastern, northern, and western borders they are being moved by their masters to the centre, to prevent their moving themselves beyond the circumference into the free States. From the centre they are being moved into Kentucky, ostensibly to be employed in raising tobacco, but really to escape Emancipation. From every part they are moving themselves into regions where they may find the freedom they desire, and of which they have discovered that they can, in our present unsettled condition, easily avail themselves. There is at this moment hardly a slave-owner in our State, who can lie down at night with any well grounded confidence that the morning will find him in possession of as many slaves as when he went to sleep. The State is daily losing its slave laborers, and no man can tell when the exodus will cease. And what is more momentous, it is the young, and the vigorous middle-aged men, that are departing, leaving the old men, the women, and the children, to be cared for by their masters. What is to stay this movement? With war imminent at any moment; with an internal condition so disturbed that pursuit of fugitive slaves is, beyond any precedent, of doubtful result; with every road beset by marauders and murderers; it is notorious that slaves possess, and know that they possess, facilities for escape, such as they never had before, and that they are availing themselves of them, as they never did before. We will do well to look at these things as they are. It is folly to shut our eyes to them. We might as well realize that our State is rapidly losing its agricultural laboring strength, and that ere long, in all human probability, it will lose it entirely, unless some barrier to this exodus be interposed. And as we are in no condition to employ, as effectually as heretofore, a barrier of force, my view is to take from the slaves the inducement to seek freedom by flight, by making them free here. It is not from Missouri they are flying, but from slavery; it is not Illinois, Iowa, or Kansas they are seeking, but *freedom*; and for this they leave old and familiar homes, wives, children, and friends, to enter upon new scenes among strangers, not knowing what

will be their condition, nor caring what their fate, so it be met in freedom.

And now, as a merely economical question —as a simple matter of dollars and cents, I ask if it is not the interest of our State to keep those laborers among us? What are we to gain by their self-deportation? Could we transfer them all, to-day, to another continent, and receive an equivalent accession of white laborers, we should, I think, be immensely the gainers by the exchange; but that is not the point. The question is, whether we shall quietly see the effective labor of our agriculture march away from us, with nothing to replace it, or whether we shall pursue such a policy as will retain it until its place can be supplied? For my part, I can see no two sides to such a question. No sane man believes that a substitute for a servile population of 80,000 to 100,000 souls can be obtained in any country or State in a period short of years; and least of all in a country that is losing by war so much of its bone and muscle as this country is losing now. It is therefore our clear interest, as a simple matter of political economy, to keep the negroes here until their places can be filled by white laborers. If the slaves understand that they are to remain slaves for an indefinite or a protracted period, they will continue to flee; and how are we to stop them? They go now, day by day, and night by night, and we are powerless to prevent it. When will this cease? Not, I verily believe, until you give them, on our own soil, at their old homes, the freedom they are seeking elsewhere; the aspiration for which has received, in two years of war for the extension and domination of Slavery, a hundred-fold greater impulse, than all the efforts and appliances of Abolitionists for a quarter of a century could have given.

It is to avoid this drain of the laboring strength of our State, and at the same time prevent too severe a shock to our social organization, from so sudden a change in our system of labor, that I couple with immediate Emancipation the idea of a system of apprenticeship, which shall retain the negroes in their positions for a limited period. I desire that Emancipation should work as little injury as practicable, and accomplish for both races the greatest possible amount of good. I do not think it would be wise or humane to invest so large a slave population as that of Missouri, with the instant right of uncontrolled freedom. In many respects they are like children, and need to be educated into a fitness for such freedom. This is my judgment, founded upon the observation of more than forty years. But while I would have them to pass through an apprenticeship, I would not extend that period a day beyond the time necesssary to fit them measurably for entire freedom, and to afford opportunity for replacing them with white laborers. If their apprenticeship is to benefit them, or those for whom they labor, it should not be of such long duration as not to be distinguished by them from a state of permanent slavery, nor so short as to defeat the great object of obtaining white labor, equal to the demand, before the negro labor is left entirely to its own control. If the negroes are to remain among us, it is at once humane toward them, and profitable to those for whom they work, that they should work *in hope*. My belief is, that properly managed and influenced, they are capable of being made, probably, as valuable a peasantry as exists. Give them something to live for —let them feel that they are preparing better to live for themselves, and I have confidence that they will be found more capable of enjoying and profiting by their freedom than many are accustomed to suppose. It should be remembered that we may reasonably hope for better results of Emancipation here, than have attended it in other countries, so far as the negroes are concerned. They have been reared, and will remain, under better influences of morality and religion among us, than the slaves emancipated by England or France were subjected to in the colonial possessions of those countries. We may hope and believe that those influences will continue to be exerted, and be effective, for the elevation of our black race. I, for one, am sanguine on that point. It is our interest to teach the blacks all the good, and as little of evil, as we can. It is our duty as philanthropists and Christians to do so. And when Christian duty and self-interest combine, we may well expect great results. It is to give full opportunity for this, as well as on account of the other considerations adverted to, that I desire this class of our population to come gradually to full freedom; not through a slowly expiring system of slavery, but through a period of apprenticeship, the end of which they can see to be not far off, and the time spent in which shall be a time of advancement, not of retrogression, with them.

This plan ought to, and it seems to me would, avoid much of the difficulty anticipated

by many, of contact with so large a population reared in servitude and then set free. I have met persons who seemed to be haunted by the idea of dreadful inconvenience, injury, and peril, to result from the surrounding presence of free blacks. So far as this relates to rural life, I confess I have not had such experience as to enable me to speak advisedly; but through my whole life I have been familiar with this subject in cities; and my belief is, that much less mischief proceeds from the free colored population there, than from any equal number of white people in corresponding condition of life. Nor am I aware of any moral or physical reason why their presence among us, after emancipation, should be so dreaded as some seem to dread it. But were all their apprehensions well founded, I claim that we are just as capable of managing free negroes, through our laws and our judicial and ministerial authorities, as of managing the same number of white people. But were it otherwise, I take the broad ground that it is far better for the people of Missouri to encounter all the inconvenience, all the trouble, and all the hazard of the presence of a large free black population, through the period of perhaps not more than a single generation, than to entail upon future generations an institution which, so long as it exists, is to hang like a mill-stone upon our State, and at some future day, perhaps, bring down upon it again such disasters as have, during the past two years, made it a field of blood.

I have endeavored, in a spirit of candor, to set forth the views which led me to favor immediate Emancipation. I doubt if they will be shown to be intrinsically unsound; and I doubt also whether an attempt will be made to do so. It is more probable that the effort will be to decry this policy, on the ground of its supposed injustice, not to the million and more of non-slaveholders in our State, but to the twenty-five thousand, or less, of our slaveholders. I have heard much of this alleged injustice, and I expect to hear more of it here. It is the old clamor by which the interests of our noble country have long been subordinated to those of a small fraction of its people, and I look for it to play its accustomed part in this great struggle for the liberation of Missouri from thraldom to "the peculiar institution." It is proper that it should be met at the threshold of this discussion, and I will endeavor to meet it.

It is considered to be a great wrong to the slaveholder to deprive him immediately of his right of property in his slaves; and this is by many held to be a sufficient reason why the best interests of a great State should be disregarded, or, at any rate, postponed. What is its real meaning? That depends upon the connection in which it is found. In regard to the question of Emancipation or no Emancipation, it means no Emancipation under any circumstances—no tampering with the Divine right of holding the negro in bondage—no interference with the absolute privilege of slavery to establish, extend, and perpetuate itself wherever it once gains a footing. In regard to the question of immediate or gradual Emancipation, it means gradual—the most gradual that can possibly be obtained—the remotest period and the slowest process that the people can, by the cry of injustice to the slaveholder, be induced to allow. If this is not its meaning, I confess myself unable to discover it. Whether so or not, however, I propose to consider this question of injustise. The views I take of it may be erroneous, but until their error is made clear to me I must be guided by them. No impulse of injustice governs me; neither do I intend that my judgment shall be warped by a groundless fear of doing injustice to those upon whom it is my honest purpose to confer what appears to me a signal benefit.

The value of a slave to his owner is twofold: first, in the profit of his labor over and above taxation and the expense of supporting and taking care of him; and secondly, in the amount for which, as property, he can be sold. Let us consider this subject in both these aspects.

As long as the labor of a slave yields more than the necessary outlay on his account, the mere computation of income is in favor of his employment as a slave. But whenever he costs more than his labor is worth, the account changes, and he becomes a burden to his owner. Tested by this simple rule, I am of the opinion that a great majorjty of the slaves in Missouri are this day unprofitable to their owners. But setting aside the old, the infirm, and the very young, and fixing the attention upon those who yield the largest profit, I am satisfied that their labor, in freedom, would be far more valuable than it has ever been in bondage. Repeated experiments have been made in the Southern States, of paying slaves for their labor, and requiring them to support themselves. In every such instance which has come to my knowledge, either through publ-

cations or private sources, it has been found that the negro worked better and produced more, when paid, than when not. This is a most instructive and pregnant fact. It teaches us that, regarding the negro merely as a laborer, there is not the least injustice to the owner in changing him from a bond to a hired laborer; but, on the contrary, a positive benefit. For we have no reason to doubt that the same result which has followed experimental changes of that description, would attend a similar change in our entire system. It is no answer to this view, to say that the negro will not work, unless compelled by authority, or driven to it by his necessities. We do not know that; but, on the other hand, we know that free negroes, all over this country, do work, as white men work, for the support of themselves and their families, and do exhibit steady industry and thoughtful frugality. There is then no injustice to the slaveholder in changing his relation to the negro, so as to pay for his labor, and thereby realize a larger profit from it, than if the lattter were a slave.

The alleged injustice must therefore be, in depriving the owner, by the emancipation of his slave, of the right of selling the slave as a chattel. On this point the fact of deprivation cannot be denied, if the slave remains in this State up to the day mentioned in the resolution. But he who does not wish his slaves to be freed on that day, will previously remove them to some other State, where he can sell them, or, if he please, retain them in slavery. The inconvenience to him of such removal is no just ground for delaying a measure that is fraught with the most momentous results to the present and future people of this State.

But suppose no slave should be removed before the day named, and all then in the State should become free, how would the matter stand? Assuming the President's Proclamation, of January 1st, 1863, to be operative and effectual, as I certainly do, the Southern market for the slaves of the border States is gone forever, and with it has gone a large part of the market value of Missouri slaves. This may be an unpalatable truth, but it is, nevertheless, the truth. The presence of war in this State, creating exceeding insecurity of slave property, tends still further to diminish its marketable value. It is, therefore, I conceive, entirely fair to consider the market value of Missouri slaves reduced at this time to an average of one-half, or less, of what it was in 1860. And when you throw out of the consideration of the question of injustice to the slave owners, the large number of such who have participated actively in this rebellion, or given it aid and comfort, and whose slaves are therefore in fact free, under the Act of Congress of July 17, 1862, though still held in bondage; and also put aside the vast throng of other disloyal owners, who are not entitled to any consideration whatever at our hands; and also lay out of view, first, the large number of slaveholders who, in violation of law, let their slaves hire their own time, and by that violation disentitle themselves to our favor; second, the other large number who are totally indifferent as to whether they retain their slaves or not; and third, the still larger number, as I would hope and believe, of true and earnest patriots, who either desire, or will cordially agree to, immediate Emancipation, for the sake of the Union and of peace: when you put aside the grand array of slaveholders embraced in these various classes, you would find, if a correct result could be arrived at, that only a very small proportion of the supposed number of 25,000 slaveholders in the State would be entitled or disposed to complain of the injustice done them by immediate Emancipation. Concerning them I would say, first, that if they are landholders — as, doubtless, nine-tenths of them are — they will certainly, as a body, and probably in each individual case, be far more than compensated for the loss upon their slaves, by the increased value of their lands, produced by Emancipation; and secondly, if they are not landholders, they will be more than compensated by the general flow of prosperity, beyond anything previously known, which will assuredly result from Missouri's becoming a free State.

But even supposing these views untenable, and admitting all the injury to the slaveholders which is claimed, then I close this branch of the discussion with the distinct announcement that, in my opinion, in such a dire emergency as that now upon us, individual interests, and interests of classes, must give way to the general good. Were it in my power, by any act of mine, to accomplish immediate Emancipation without inconvenience to any single loyal slaveholder in our State, I would joyfully do it; but I have no such power. My duty here is to legislate, not for individuals or classes, but for the whole of our people; not for the Missouri of to-day merely, but for the Missouri that is to be here, perhaps, for ages to come; not for the present generation only,

but for unborn generations that are to fill our extended territory in the long future; not for our State alone, but for our whole glorious country; not for the sordid behests of expiring, but still grasping, Slavery, but for the beneficent expansion and perpetuation of an ennobling and deathless Freedom. I endeavor to rise to the height of the great occasion, and with such distant approach to statesmanship as I can make, to view the mighty interests staked on our action; and I neither can nor will suffer myself to be swerved from the path of duty, as its seems plain to me, by an undue deference to individuals or classes. In this great conflict for the redemption of a State fit to be in itself an Empire, private interests must be sacrificed, if necessary, to those of the vast aggregate, present and prospective, whose enduring welfare demands our first care and our highest consideration. This is my standard of duty, and by it I will stand or fall.

And now I will close my remarks on this particular topic, with a notice of the moral aspect of an appeal against immediate Emancipation, based on injustice to slaveholders. The whole foundation of this allegation of injustice, if it has any, is in immediately taking away from one man the right to hold another man in bondage, and to sell him as a slave, instead of taking it away at a distant day. I have no comments to make here upon the morality of Slavery; for its sins are infinitely more heinous in my view, than any intrinsic immorality which may be attributed to it; and they are enough for all my purposes now. I therefore pass by the moral questions involved in slavery itself, to direct your attention to the true character of any appeal to you on the score of injustice to slaveholders. You will agree with me, that in all the history of the world, no nation was ever so threatened, assailed, and endangered by intestine enemies, as this nation has been for more than two years. You will agree with me, that it has struggled and is still struggling for its life. You will agree with me,—perhaps, not all, but most of you,—that it is the institution of Slavery, and nothing else, that menaces our national existence. You will agree with me,—perhaps not all, but most of you,—that every drop of blood which has been shed, every life that has been sacrificed, every ghastly wound that has been inflicted, every widow and orphan that has been made, every house that has been desolated, lays its account, before God and man, at the door of Slavery. You will agree with me, all of you, that Missouri has suffered her full share of these dreadful afflictions; so that were the signs of mourning to mark every habitation upon which they have fallen, our whole State should be draped in black this day. And you will agree with me,—perhaps not unanimously,—that as long as Slavery exists here, this torrent of unheard-of misery is to continue to pour upon us, and that it will cease when Slavery ceases with us, and not before. And now, in the full light of all this, you will probably be appealed to, to stay the emancipating act for years, perhaps many years, because it is unjust to a few thousands of our more than a million of people, to deprive them suddenly of the right to hold men and women as their property, and of the privilege of profiting by the continuance among us of that institution which is "the cause of all our woe!" What is this, in plain terms, but an invocation of continued feud, war, rapine, and death, rather than that the small part of our population who are slaveholders should now, instead of years hence, cease to have the right to sell the negro as a slave? Can you make aught else of it? If you can, show it; if you cannot, then agree with me that the spirit of Slavery is everywhere the same; that it is always selfish, greedy and remorseless; that in Missouri it is not less so than elsewhere; and that it is as impossible for devotion to Slavery and vital generous patriotism to co-exist in the same heart, as it is for fire to rest unquenched upon the bosom of the great river that laves the base of the Capitol in which we sit.

It will not have escaped notice, that I have made no reference to compensation by the State to the owners of slaves. On that subject my words will be very few. In the first place, there is no Constitutional injunction upon this body, as there is upon the Legislature, to provide such compensation, as a pre-requisite to Emancipation; and there is therefore no Constitutional obligation upon us to consider the question. In the next place, compensation by the State, out of her own resources, is an absolute impossibility; and therefore it is useless to discuss it. It could be got from the people of Missouri only by long-continued and most grievous taxation, which they would not bear, and which I never would, by any act of mine, help to impose upon them. Should the nation, in pursuance of the resolution adopted by the last Congress, hereafter grant money or bonds to compensate our few thousand loyal slaveholders for doing what patriotism and

humanity ought to make them do without compensation, let them receive the money, if they please. Were I a slaveholder, I would scorn to touch a dime of it. And there is one other contingency in which I would vote compensation to loyal slaveholders, and that is, when our rebel and traitorous slaveholders, and their sympathizing pro-slavery friends, shall, in any way they may devise,—about which "no questions asked,"—obtain and pay into the State Treasury, in "bankable funds" or in "greenbacks,"—gold not required,—a sum sufficient to indemnify Missouri for all the ravage, destruction, and misery she has endured through their efforts to drag her out of the Union. When official information is obtained that Slavery has thus balanced its account with Missouri, there will be little difficulty about compensation. Until that fund is provided—which I confess does not seem to me very near at hand; or the nation comes to our aid—of which I am not very hopeful; compensation is a fantasy, or, in less elegant phrase, a humbug, and might as well be treated as such, here and elsewhere.

Having thus, gentlemen of the Convention, placed before you the views I entertain on this most important subject, I invoke you to a calm and deliberate consideration of our position as a body in reference to Slavery. Why are we called together now? Less than two years ago, on the 3d of August, 1861, our present Governor, in a Proclamation to the people of Missouri, issued upon his taking the reins of the Provisional Government, declared that his appointment as Provisional Governor would "satisfy all, that no countenance would be afforded to any scheme, or any conduct calculated in any degree to interfere with the institution of Slavery existing in the State, and that to the very utmost extent of Executive power that institution would be protected." From any man such language could not be misunderstood; but from a man who, during forty years of life as a lawyer, had bent the energies of a keen and powerful mind to the study of the meaning and use of words, it had, to my mind, and I believe to the whole mind of Missouri, a most distinct and unmistakable import. I do not suppose that an intelligent man ever read that sentence, who did not receive from it the impression that our State Administration had passed into the hands of a pro-slavery man, and would be conducted by him in the interest of Slavery. On the 13th of June, 1862, the same Governor transmitted to this body a message suggesting that its action in laying on the table an ordinance providing for submitting to a vote of the people a gradual scheme of Emancipation, after Congress had, at the suggestion of the President, passed a resolution offering national aid to any of the slave States that might see proper to adopt such a measure, might "be represented as rudely discourteous to the President and Congress;" and that some "direct response" should be made, as "an act of courtesy to the authorities of our Government, who had made a proposition, which, if it ever be carried into effect, would exhibit the greatest liberality." In that message the Governor intimated to the Convention that its members might, before their constituents, justify the refusal to allow the question of Emancipation to be discussed, and the laying of the proposed ordinance on the table, by taking the position, that it was "well warranted in declining to act upon the proposition, upon the ground that the people, in choosing the Convention, never intended or imagined that the body would undertake any social revolution wholly unconnected with the relations between the State and the General Government." And so confident was the Governor in the correctness of this position, that he added the significant declaration, that "no person who understands the principles of our Government would object to such action, unless it to be one *who is willing to disregard all principle to accomplish a desired end.*" Ten months and two days after that message was sent, the same Governor issues a call for this Convention to assemble, "to consult and act upon the subject of the Emancipation of Slaves;" declaring it "of the highest importance to the interest of the State that some scheme of Emancipation should be adopted; and his message to this body yesterday reiterates that opinion in emphatic and impressive terms.

I refer to these acts and declarations of the Governor, not because I think his change in any degree unworthy of his high character and position, but for reasons which I will proceed to state. In the first place, the people do not understand why he should call us together to overthrow the institution of Slavery, when he had previously declared "that to the very utmost extent of Executive power, that institution would be protected." Nor do they understand why this Convention, nearly nine-tenths of whose members were elected two years and four months ago—as he considered for other

purposes—should now be invoked to act on Emancipation, while a proposition is still pending before our Legislature—which is to re-assemble in November next—for the election of another Convention, which would come fresh from the people, and certainly represent their views. Nor do they understand why he should convene this body, which one year ago he declared to have no power over the subject; and which then signalized its opposition to Emancipation by relentlessly stifling debate upon it, against the entreaties and remonstrances of its friends, and laying upon the table, by a vote of nearly three to one, a scheme of very gradual Emancipation. The people do not understand these things; nor do they entertain much hope of good to Emancipation from this body. They fear that its call at this time, though perhaps not so intended, may result in the practical defeat of Emancipation, by the adoption of some scheme so feeble and inert as to prolong Slavery in this State, with a continuance of the wretchedness it has brought upon us, until some distant day, when, with rebels, guerrillas, and bushwhackers restored to the privilege of the ballot, Emancipation will be repealed, our State given over again to the dominion of Slavery, and anti-slavery men and Union men driven from its borders or trampled under foot. I do not say that this was the purpose, or even in the mind, of the Executive in convening us now, but that the great mass of our loyal people fear that such may be the result of our assembling.

And as one of the few in this body who represent the latest expression of a part of our people directly upon the all-engrossing topic of Emancipation, I ask this Convention to be cautious how it gives, by its action, any confirmation of the popular belief and fears to which I have referred. The people are in no mood to be trifled with in this matter. They have their eyes upon us, and they will not take them off. They know what Emancipation means, and they likewise know what *bogus* Emancipation means. They know that the former will bring them relief from the incalculable sufferings they have endured through two nightmare years; and that the latter will but prolong those sufferings. And now, not in the spirit of bravado or menace, but to say with all plainness of speech what the circumstances seem to me to require, I say that whoever here misrepresents the will of his constituents on this subject, is as certainly a doomed man with them as he is doomed some time to die! To those original members who represent districts that have recently filled vacancies by electing immediate Emancipationists, this matter seems to me to commend itself in a very special manner. I know well that they do not stand or fall by my judgment, but by the judgment of their constituents; and that will be a judgment of approval or condemnation, just as their last expressed will is obeyed or contemned. Let him beware of the future who contemns it!

Another object I had in view in referring to those acts and declarations of the Governor, was to point you to the significance of his complete and auspicious change of mind in regard to Emancipation. Do you not see that he moves with public opinion against Slavery? Do you not see the hand-writing on the wall? If not, I pray you to open your eyes to it, and read the doom of Slavery in Missouri, written by her loyal people, in characters never to be effaced. Read it in the changed views and action of the Executive; in the results of recent elections to fill vacancies in this body; in the primary assemblies of the people; in the tone of the public press, with few exceptions, throughout our State; in the sudden and precipitate abandonment of Slavery's defence by obstinate pro-slavery men in every quarter; in every form and phase in which the stern and steady resolve that Slavery shall cease to exist on our soil, and that right early, can make itself known. You cannot protect it, you cannot prop it up, you cannot defend it. Its prestige is gone; it has lost its power; it is in disgrace. It stands at the bar of public opinion in Missouri condemned by its fruits, hopelessly and without possibility of appeal. It has ever been a clog upon our advance and prosperity. It has allied us to the insurrectionary States. It has made our territory the field of civil war. It keeps up the domestic strife now desolating our State, when the rebel armies are at a hopeless distance. It fills our woods with robbing and murdering hordes, who are fed, clothed and sheltered, warned of approaching danger, and guided to pillage and blood, by the neighbors of their victims. It transforms our men and, God forgive them! our women, too, into implacable enemies of Union men, into treacherous betrayers of their former friends, into spies and informers, into purveyors of revenge, rapine, and assassination. Against this common enemy, all classes of our people make common cause. Every great interest in our State wars upon it. Farmers, mechanics, merchants, manufacturers, professional men,

speculators, land owners, steamboatmen, railroad men, and multitudes of slave-holders, all combind to attack it. Reason is against it; evidence is against it; experience is against it. The past condemns it; the future rejects it; the present deals it deadly blows. The people are marching over it. Politicians abandon it, as rats a falling house. It is, in fact, dead! We are here to bury it. They who cling to it cling to a corpse, and will be buried with it. No man who upholds it now will be trusted by the people, except perhaps in a few spots of our State, from this time forward. You cannot save it, but you may lose yourself in the effort. When the wrecked vessel goes down, it is they who cling to it to the last that go down with it.

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION AND FOR THE EMANCIPATION OF SLAVES.

Be it ordained by the People af the State of Missouri in Convention assembled, as follows:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abolished.

Sec. 2. From and after the first day of January, A. D. eighteen hundred and sixty-four, slavery and involuntary servitude, except for crime, or as hereinafter provided, are abolished, and all slaves on that day within this State are hereby declared to be free: *provided, however,* that they and their issue thereafter born shall thereupon be and become indentured apprentices to their former owners, their assigns or representatives, and as such held to service and labor from that date until the fourth day of July, A. D. eighteen hundred and seventy-six, and no longer.

Sec. 3. No apprentice of the class provided for in this ordinance shall be removed from this State during the term of his or her apprenticeship; and it shall be the duty of the Legislature, without delay, to pass laws with appropriate penalties to prevent the same.

Sec. 4. It shall be the duty of the Legislature, without delay, to pass laws: To secure the humane and proper treatment of said apprentices by their masters and mistresses respectively; to secure the return to service of any such apprentice who shall abscond or depart from the service of his or her master or mistress; for the punishment by fine or by imprisonment, or both, of every person who shall counsel, persuade, entice, or assist, any such apprentice to run away or absent himself or herself from the service of his or her master or mistress; and of every person who shall entertain, harbor, or conceal, any such apprentice, knowing him or her to be a runaway, or to have absented himself or herself, without leave, from the service of his or her master or mistress; to provide for the creation of a fund by taxation or otherwise, and for the proper distribution and application thereof, for the support of all free blacks who shall become free under the operation of this ordinance, and who by reason of extreme youth or age, sickness, insanity, idiocy, or other cause, are unable to maintain themselves.

Sec. 5. The right to the services of any such apprentice may be relinquished by his or her master or mistress, by deed duly acknowledged and recorded in the office of the recorder of deeds of the county in which the grantor resides, and thereupon the said apprentice shall be free from all claim of service.

Sec. 6. No future assessment of slave property shall be made in this State, and taxes now assessed against such property shall not be collected, nor shall the right to the service of apprentices under this ordinance be held for any purpose to be the subject of taxation.

Sec. 7. Section one, section two, and section three of this ordinance shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and sixty-four; sections four, five, and six, shall take effect and be in force from and after their passage.

The above ordinance having been read by the Clerk, Mr. BRECKINRIDGE spoke as follows:

I had intended, Mr. President, if opportunity permitted, to accompany the introduction of the ordinance which I had the honor to submit last evening, with a statement of the reasons which had brought me to think it my duty to prepare

and offer it. I may be the more readily excused for asking the indulgence of the Convention while I now present, as briefly as possible, my views on this momentous question, since this proposition differs very widely from the one which I had the honor to introduce at our last session, and I desire to explain the reasons which induce this change of policy. I may be excused for adding that I wish now to do this for the additional reason that I do not concur in many of the views expressed by my colleague (Mr. Drake), and it is, perhaps, just to myself to present somewhat fully the arguments which I think should commend the plan I have submitted to this body.

During the eventful period which has elapsed since this Convention first assembled, it has had great duties to perform, and has been required to bear most weighty responsibilities. In the midst of the first angry mutterings of the storm which has since burst so fiercely on us, it was our province to declare the loyalty of our constituents; and while our deliverances then were not so positive, nor so enthusiastic in expression of devotion to the Union, nor their tone so defiant of treason as we may wish they had been, still we may, with satisfaction, point to them in proof that the duty of that hour was performed by the unequivocal avowal of our purpose to abide by and sustain the Government of our fathers against our traitorous brethren. Later, as the bloody drama of rebellion was opened to our sight, we were assembled to execute the will of an indignant people by expelling from power the faithless servants who sought to drive us into treason—to lay again the foundations of Government, to bring order out of chaos, and to express, in the most solemn form, the fixed purpose of our people to be faithful to duty, our country, and God.

Twice again convened to complete and perfect the work we had commenced, it is reason for infinite gratitude that our records are unstained by any utterance of disloyalty; that, by vote and act, we have constantly condemned treason, and have always expressed a true and loyal purpose.

It is not a little remarkable that, from the beginning, notwithstanding the wild tumult which has raged, and the abounding influences which have operated to distract, distort and pervert the minds of men, we have not only enjoyed the cordial support and approbation of the great body of our loyal people, but have had, in advance of our most important action, clear indications of the course they deemed necessary, and which we have actually adopted, all the more striking when we remember that for that action there were no precedents, and that no State or people had experience which might serve as guide or example in that day of trial.

And now, assembled once more under circumstances hardly less trying in some respects than those which have attended former sessions, and confronted with questions of but little less magnitude than we have already encountered, it is a source of infinite satisfaction to me to feel that we know in advance the wishes of our loyal constituents, and have abundant evidence of their will that we should relieve the commonwealth, by some just and speedy method, of the burden of slavery. If we are worthy of the great trust committed to us; if we are faithful to those whose destinies so largely depend on the proper solution of this great question; if we are competent for the discharge of these exalted duties, we may prove the instruments chosen of Providence to work out great and lasting benefits for a noble people who have borne great evils and suffered many sorrows. If we fall below our duty; if we are blind to all the signs which so plainly indicate the path we should tread, if we fail to appreciate the demands of the times, and to comprehend the necessities of the State, we shall furnish one more sad instance of that folly which so often characterizes human conduct, and prove that we are unworthy to represent a great people. We may refuse to do our duty, and thus precious opportunities will be lost, and evils, great already, will be sorely magnified; but while we shall justly incur the condemnation of unprofitable servants, "enlargement and deliverance will surely come from another place." I will not anticipate so poor a result of our deliberations. I will not believe that a body whose recorded action proves so much wisdom will fail to give this crowning evidence of its sagacity, courage and fidelity to those for whom it is called to act.

The call under which we are assembled truly asserts that "it is of the highest importance to the interests of the State that some scheme of emancipation should be adopted." The knowledge and experience of every one of us clearly demonstrate the truth of this announcement, and the almost unanimous voice of our loyal people confirms it. Our geographical position, with twelve hundred miles of free-soil boundary, proves it. Our climate, soil, productions, population, are each unanswerable arguments for it. The terrible effects of civil war, result-

ing directly or indirectly from slavery, and inevitably destructive of it, have stimulated into wonderful energy the influences which produce emancipation, and the interests of that very class to which the slaves belong, and which is most immediately concerned, imperatively demand it. We enjoy the singular good fortune of being called to record a decree which the rebellion has pre-ordained, and which is of itself fruitful of the greatest benefits to us. The best and fairest portions of the State, ravaged and almost depopulated, plead for emancipation, which will invite and insure such immigration as we have not known in the days of our greatest prosperity. Agriculture, abandoned and perishing for lack of labor, points to it as the door through which alone relief to it can enter. The rich earth, teeming with mineral wealth, which has "come to the birth and there is not strength to bring forth;" and manufactures, languishing for lack of energy and enterprise, cry aloud for succor from it; and emancipation, supplying both, will reap in these rich fields the wonderful harvest of wealth and power they will generously yield. Debts, under which we groan and are helpless, will melt away under the rapid increase of the resources it will insure. Capital, so long repelled, invited by it, will accompany and compensate it, and replenish and revive our exhausted commerce. "The dead corpse of the public credit," already revived by the mere promise of it, will stand erect again, clothed with new life and vigor. Civil war, with all its horrid train of blood, and violence, and desolation, will fly before it. Treason, nourishing some secret, lingering hope that this noble State may, in some possible contingency, fall into its foul embrace, will, when emancipation is decreed, relinquish all hope of accomplishing its base design, and turn abashed from a people whose heroic loyalty is equal to any sacrifice its preservation may demand, and who have registered in Heaven a vow that their destiny shall be unalterably in the Union.

It should be a source of extreme satisfaction to us, that while so many considerations unite to demonstrate the wisdom and necessity of this action, there are really none which militate against it, or can induce a doubt of our duty. What benefits has slavery conferred upon us, that we should hesitate by just means to eradicate it? Great as our prosperity has been in former years, who doubts that slavery has diminished it? Rapid as has been our progress in wealth, population and power, who will deny that slavery has retarded it? Who will say that Missouri, thus encumbered, springing in 1860 to its place as the eighth State in population, might not, without slavery, have reached a much more advanced position among her more powerful sisters?

For many years the conviction has silently but steadily gained ground among our people, that, even in the natural and peaceful order of things, slavery must soon disappear from Missouri, and it has only needed some good opportunity to stimulate this conviction into action. Now, by the singnlar ordering of Providence, it so happens that those who professed to be its peculiar friends, and who desired to secure its permanency, have, in their blind and wicked zeal, inaugurated a strife which deals to their idol its death blow, and insures its removal from among us by methods much more speedy and thorough than would have been possible, or perhaps desirable, under any other circumstances. If any deplore the fact, or the necessity of emancipation, let them arraign those without whose agency it would most probably have been deferred still longer. It is not the first instance in human history in which the weakness, the perversity, the unbridled passion, and the wickedness of man, have been used by God as instrumentalities with which to work out great and good results, far different from those which were designed.

It is no part, however, of my purpose to dwell upon the question as to whether emancipation is necessary or desirable for us. Whatever may have been the general opinion twelve months ago, I think I may safely say that it is the very nearly unanimous opinion now that it is a necessity. By whatever methods reached, influenced no doubt by widely-varying considerations, this is the conclusion in which nearly all men are agreed; and if it be true that the members of this body do not share it, then I am bold to say that, by no possible means, can the same number of intelligent men be gathered from the same localities who will not be found widely differing from them. Before it would be possible for me to arrive at such a conclusion as to this body, I should be compelled to believe it deaf to the voice of the people, blind to the unmistakable signs of the times, and criminally careless of the welfare of those whose interests are committed to it. Nor is this conviction confined to those—the overwhelming masses of our people—who own no slaves, and who, having no direct pecuniary interest in the question, might be supposed to be more ready to reach such conclusions; but it is

entertained by the slaveholders as well, among whom, justice requires it to be said there are many as truly loyal and as nobly self-sacrificing citizens as can anywhere be found. So, then, sir, I shall assume, in the remainder of this discussion, that the masses of our people recognize emancipation as a necessity, desire it, and are prepared for it.

One other preliminary question remains to be disposed of: the question as to the power of this body to deal with this subject at all. In the discussion of the same question on this floor, one year ago, I took occasion to allude to this topic, and I may therefore now content myself with very brief notice of it. This power is of course denied by those of our people who still cling to the monstrous doctrines of secession, whose sympathies are with treason, and who have constantly denied our power to do whatever has been done to save the State from ruin. With objectors of this class I have no argument, and I assume that this body will not hesitate to act by reason of doubts suggested from such quarters. For them, the argument of compulsion is the only one that has been left these many months.

But among our loyal people there are some (how many we have no means of knowing, though I think the number small) who doubt or deny our power; and when such doubts are honestly entertained, it is proper that a respectful effort should be made to remove them. I think, however, I do not err in saying that if this body will wisely deal with this question, such doubts will be gladly yielded, since, very possibly, they owe their origin, in large part, to the fear that its action will not be adapted to the actual state of affairs, nor consistent with the will of the loyal people of the State. As to the simple question of the legal competency of this body to act, I must say that I think no one who carefully examines it in the light of authority, with a full knowledge of precedents, unbiased by prejudice, can have any lingering doubt. Is it not enough to appeal to the broad language of the act under which we were elected and assembled, and to our own unquestioned action on subjects the most important, as to the power to do which, while the letter of the law which convened us is silent, no loyal man doubted that its clear intent gave us the fullest warrant? Is nothing due to the fact that, in cases where precisely the same degree of power was exercised, our past actions have met with universal approbation from loyal men? If more be necessary, I may appeal to the overwhelming proof of the power of the people thus assembled to deal with any question in a manner not at variance with the supreme law, as found in the Constitution of the United States. And if it be held that we need the direct warrant of the people to give vitality to our action, by reason of the lapse of time since our election, and the fact that the question of emancipation was not then at issue, do we find no such authority in the fact that the Legislature last elected was chosen to deal with this very subject, and numbers among its members a large majority of both branches, pledged to emancipation, and by the people instructed to support it? Still farther, we may ask, is it of no weight that the Legislature did indicate its desire, and thus clearly the desire of the people, that this body should be convened to take action on this subject? In proof of this I refer to the journal of the Senate, where, on page 457, it appears that the following joint resolution was adopted on the 18th of last March, by ayes 17, noes 15:

"*Resolved*, by the Senate, the House of Representatives concurring therein, That the Governor of Missouri be, and he is hereby requested, to call the Convention together at an early period for the purpose of taking into consideration the subject of the gradual emancipation of African slavery in the State of Missouri."

And to the same journal, p. 468, from which it appears that an act was passed, by ayes 17, noes 14, on the same day, entitled "An act to provide for calling a State Convention to take into consideration the subject of emancipation of slavery in the State of Missouri," which provides for the election of a new Convention, on condition, however, that this body, being again assembled, should fail to provide, prior to the first day of July, 1863, for the full and final emancipation of slaves by the year 1900. It is true that neither the resolution I have mentioned, nor the act, passed the House of Representatives; but it will be found by reference to the House journal, on pages 602 and 608, that the act alluded to failed to be taken up out of its order (a two-thirds vote being necessary for that purpose) on two separate occasions, March the 20th and 21st, by but a single vote, the vote being on the first, ayes 71, noes 36, and on the last, ayes 69, noes 35. No doubt there is room for argument here, that if it had been taken up it would have been essentially modified, and I have reason to believe it would have been amended at least in respect to the date fixed for the final extinguishment of slavery. But I imagine that no one familiar with parliamentary

usage will doubt from these indications, that, on whatever conditions, it was still shown to be the desire of both branches of the Legislature that this body, being again convened, should once more have opportunity to take action on this subject.

Again, assuming it to be the will of the people clearly expressed, that emancipation shall be decreed, and seeing that the Legislature, chosen on that very issue, was powerless to act, in great part because of constitutional limitations, and of the failure of Congress to provide for compensation, is there not manifest propriety in action by the only body now in existence armed with power to amend and alter the Constitution?

Those who, while favoring emancipation, still oppose its inauguration by this body, should remember also that, whatever its decision shall be, the power still remains in the Legislature to call another Convention, and that thus, while by our action much may be gained, nothing can be lost. I should add the expression of my earnest hope, and of my growing confidence, that this body will so act, promptly, wisely, and with full appreciation of the necessities of the hour, that it will once more be hailed as the deliverer of the people, and that the masses of our loyal constituents will applaud its conclusions, and will cordially sustain, approve and accept them as final.

Assuming, then, that it is competent for us to act on this question; that it is expedient; that the people, whose servants we are, expect and desire that we should do so; and that a majority of this body acquiesce in the opinion that emancipation must, by some means, be accomplished, I ask your indulgence while I proceed to discuss the only matter really left for us to consider—the method and the details by which this change is to be effected.

On such a topic, it is, of course, to be expected, as in all matters of so much magnitude, concerning interests so large, and so prolific of division, excitement, and contention, and involving so many problems, social, political and economical, the most difficult of solution, that the widest diversity of opinion will exist, and it is almost certain, however wise the body which deals with it, that the particular method adopted will not be accepted by any one as absolutely the best that could have been selected. And it must be remembered that as the result of the mighty conflict in which we are engaged, and the startling events and momentous issues almost daily developed by its progress, new impressions are constantly received, new methods indicated, and the minds of men changed and their opinions modified, frequently and radically, out of all proportion to the changes which in ordinary and peaceful times occur. We are all conscious of this, and all constantly exhibit it, and it is not only natural but necessary and right that it should be so. Still farther, let it be remembered, that when once it has been determined that emancipation is necessary and just, and when the particular method by which it shall be secured is to be determined, whether it shall be more or less gradual, immediate or deferred—whether with or without compensation — whether accompanied with removal of the negro or not—whether it shall apply to those slaves in being or only to the after-born—whether with or without any of the innumerable conditions which suggest themselves to those who carefully consider it, all these questions, in different degrees, of course, are still much more matters of expediency than of principle; and that while he who proposes to reach the desired end by means which disregard right and law and constitutions, and the tranquillity and good order of society, is worthy of all condemnation, any view of the matter which is confined within these limits is worthy of fair and candid consideration, without such prejudice as is apt to be engendered by these discussions.

But little more than a year ago I had the honor to submit to this body the draft of an ordinance providing for a scheme of gradual emancipation, and to urge the adoption of that or some kindred plan; and I think now, as I thought then, that it committed a grave error, full of evil consequences, in rejecting that plan, and refusing to take any action, or even to hear discussion, on the subject. For while, in the extremely gradual nature of its provisions, it was far below what no doubt many of our citizens then desired, and while it was purposely framed by me to conciliate the support of those who held the most conservative views, going in the liberality of its features beyond what I myself considered necessary,—I then thought, and I now believe, that its adoption would have secured the desired end; would have freed the State from slavery long before the date by which, according to its terms, it was proposed to limit it; would have secured us against farther strife and agitation on this subject; would have prevented most of the wrong and violence and strife which since that time have, in some quarters, so disturbed the State,

and would have been a sufficient evidence of our fixed purpose to make Missouri free to invite hither population and capital from the free States. But the months which have elapsed since then have wrought mighty changes in the popular mind on this subject, and it is now pressed upon us in a manner widely differing from that it then presented, and I shall allow no foolish pride of self-consistency to deter me from avowing the conviction, as my duty requires, that no such plan will meet the present exigency. He who is worthy to share great responsibilities cannot permit any weak desire to demonstrate his superior wisdom to prevent such apparent changes of policy, made necessary by total changes of the condition of public affairs, as will secure to those whose interests are committed, in part, to him, the best attainable result. I am free to say that if this question of emancipation were to be disposed of in a time of peace, with no consideration pressing for its solution, except the undoubted benefit which would result from it, and with no influences sternly limiting the choice of methods, I should prefer some plan, the main features of which should be similar to that proposed by me at our last session, because, sustained by the wisdom of our political fathers, the sages of past generations, and tested, with the best results, by other States; because by its provisions it contemplated a change gradual enough to give absolute security against evil results, and so carefully guarded against the least infringement of private right as to prevent any possible complaint of injustice. But, I repeat, no such plan will now suffice; and who shall say but that it was the will of Heaven, by permitting the blindness which then caused its rejection, to guard us against evils, which, though unforeseen, might have resulted from it, and to secure to us still greater advantages from a method now to be adopted more speedy and efficacious. The skillful statesman adapts his measures to the present demands, and spends no time in unavailing regrets that others, which he perhaps prefers, are unsuited to the case; and he who forces on an unwilling people, or provides for those who confides in his wisdom, remedies inadequate to cure the public disorder, because unwilling to modify his prescriptions according to the varying symptoms of the times, proclaims his own unfitness, and aggravates, not allays, the malady he is charged to heal.

We will not, if we are wise, insist on accomplishing results, blindly adhering to our own preconceived opinions and prejudices, and wilfully disregarding the conditions imposed on us by the actual posture of affairs, the demands of our people and our own power. What, then, are these conditions which limit and control our action? They seem to me to be these: *The process adopted must be speedy in its operation and in its final effect.—It must apply as well to slaves now in being as to the after-born.—It must be framed without any such reliance on compensation, to be directly paid to the owners, as will make it dependent on compensation for its complete accomplishment.—It cannot provide for the removal of the black race, however it may be possible to secure that end, if it be deemed necessary or desirable, by future legislation.*

It must be speedy. A large and increasing portion of our population—in the judgment of some persons, a very rapidly increasing portion—already desire that emancipation should be immediate and unconditional; and while I do not agree with much that is said in advocacy of these views, nor at all in the conclusions reached, still they are shared by many of our most worthy people, and some considerations are urged in their support which, though not sufficient in my judgment to warrant their adoption, should not be excluded, and cannot be by those who wish to take a broad and comprehensive view of the whole question. What proportion of our people hold those opinions we have no means of ascertaining, but it is a significant fact that of the eleven members elected to fill vacancies created by death, resignation and expulsion, it is understood that but two are opposed to emancipation, while, with one or two exceptions, it is understood all the others are committed to the speediest attainable method, and these gentlemen have been chosen not from one section of the State alone, but from every quarter of it, except the extreme northeast. It is undoubtedly true that these elections being exceptional, not general, and many of them held in regions where great disturbance and disquiet have prevailed, have probably been decided by a small proportion of the actual voters; still the fact remains of their election, and no one will deny it some weight as an indication of popular feeling. Assuredly we should adopt no policy unjust in itself, nor likely to be injurious in its effects, because, under circumstances well calculated to stimulate the growth of extreme opinions, such a policy has secured a large support. The highest duty sometimes requires the public servant, far from yielding to mere clamor, to stem the tide of prejudice and passion, and to

risk all in the effort to restrain the growth and effect of erroneous opinions; and as it is a high and difficult duty, involving often much courage and self-sacrifice, so it is often nobly rewarded. Assuredly, on the other hand, wisdom, profiting by the experience of the past year, will admit the necessity of modifying our action on this subject, as far as justice and sound statesmanship will permit, so as to coincide with the views of the body of our people, and to secure the widest possible acquiescence on their part. What has been the loss in actual wealth to our people and the State from the continued reign of strife and agitation, and the failure of action on this subject one year ago? What will be the effect, not only on the slave interest, but all others to whose safety and prosperity, peace, quiet, the prevalence of order and the supremacy of law are essential, of the continuance, in a form tending constantly to aggravate itself, of the state of things connected with slavery which has existed among us during the last twelve or eighteen months? I risk little, I think, in saying, that immediate unconditional emancipation, much as I deprecate it, if the result of law and ordinance so decreeing, and if producing all the evils those most opposed to it predict, would be vastly preferable to the methods of self-emancipation, and emancipation by theft and violence, in disregard of all law and of all right, which have prevailed so widely in many regions of this State for many months. For there are injuries to a people far greater than the loss of wealth or labor, and more to be deprecated than the possible derangement of society and the evils likely to flow from the too sudden liberation of an enslaved race, great as these undoubtedly are; and among them I know no greater calamity than the loss of that habitual obedience to law, that perfect observance of all civil obligations, that hatred of anarchy in every form, which has heretofore been so striking a characteristic of all our population.

According to the United States census of 1860, there were in Missouri at the date of the enumeration 114,931 slaves, and according to the State census of the same year there were 112,032, showing the substantial accuracy of the former, to which therefore I shall refer in what I have to say on the subject. It is very difficult to ascertain with any degree of accuracy the number of slaves now in this State, for not only have the causes which have operated so powerfully to diminish their number acted unequally in different parts of the State, but in those quarters where the effect has been most marked the very causes which have produced the change have prevented the ordinary and regular assessments, which, though never, perhaps, very accurate, furnish the best means we have of ascertaining from year to year the actual number of slaves; as, for instance, the counties on the western border, and particularly Jackson county, where, in 1860, there were 3,944 slaves, and where now, according to the best information I can obtain, the highest estimate, in the absence of any actual enumeration, places the number as almost certainly below 500. Another difficulty, of course, where estimates must be relied on, is the readiness with which even those who are most dispassionate, unconsciously allow their opinions on this question to modify and distort, in one direction or the other, their judgment as to matters purely of fact. And again, as another element which impairs the accuracy of all our estimates, there has been a tendency to remove slaves from those regions which are most exposed to those interior counties which are supposed to afford greater security, so that the loss of slaves in such localities has been equalized, if not in some instances more than compensated, by this immigration; as, for instance, in the county of Howard, where, so far as I can ascertain, the number of slaves has not decreased, but is possibly somewhat greater than in 1860.

I have taken great pains, however, by correspondence and otherwise, to satisfy myself as to the number of slaves now in the State, and relying on the kindness of friends, who have been good enough to furnish me the results of assessments where they have been had, and of the best estimates I could secure from those most competent to judge, I arrive at the conclusion that there are now in the State not more than 75,000 slaves. Probably, in view of the fact that, where I have received various estimates as to the same county, I have preferred the highest, and also that these estimates were made about the middle of May, since which time the same processes which have produced this great reduction have continued with undiminished force, and making full allowance for whatever natural increase there may have been by births, it will be safe to fix the number at 70,000.

Certainly the loss of from 40,000 to 45,000 slaves in the course of two years and a half, making the most liberal deduction for those removed to other slave States in anticipation

of trouble and since the commencement of the rebellion, is a fact which demands attention and requires the application of some remedy. It is not to be forgotten that much the largest number of slaves thus removed are certainly those of both sexes, but probably more males than females, who, by youth, health and vigor, are in every way the most valuable. I have learned from official sources that the number of male slaves between the ages of eighteen and forty-five in this State in 1860 was 20,249. The number of the females of the same class will vary but little, so that the whole number of both sexes between those ages may be set down at 40,498. This is the class which, being the most valuable, has been removed farther South, while that was possible, and being the most intelligent and active, has escaped from slavery. Now, let it be candidly answered by those who desire to perpetuate slavery as long as practicable, as well as those who prefer a very gradual system, which will be more likely to check or restrain this rapid exodus—which, while it insures the removal of the negro, involves so great loss and injury to other interests—a speedy or a gradual plan? It is under the promise of a gradual system that this depletion has occurred, is occurring. Let it be borne in mind, too, that the slaves themselves, —among whom the universal knowledge exists, that here, as elsewhere, the question of their freedom is agitated,—are much more likely, supposing the desire for freedom to exist among them at all, and to be stimulated in any degree by all that has occurred of late, to rest satisfied and so to remain at home, if assured that they may expect early emancipation, than if they learn a plan has been adopted by which at some remote date their posterity may expect freedom, from which they are either absolutely excluded, or can only hope to profit after long years of service and after attaining extreme old age. This is an element not much considered, but worthy, as it seems to me, of very careful thought.

I am well aware that those who favor a speedy system are met by the argument, which is thought by some to apply with almost equal force to one more gradual, that the vested property rights of owners are violated by it, except when compensation is provided or individual consent obtained. I confess, sir, that I think there may be very grave doubts whether there is or can be any violation of vested right, properly so styled, by the adoption of a system which emancipates without compensation the issue of slaves to be born hereafter. It is by no means clear that I have any such vested property right in the possible future issue of my female slave, as would, in any case, require my consent to action which would secure it freedom upon the contingency of its birth. But without wasting time in niceties of discussion, and admitting, for the sake of argument, the vested right, not only as it clearly exists in those now in *esse*, but also in the after-born, there is one method of meeting such arguments that seems to me unanswerable. The safety of the State demands it; the welfare of the whole people requires it. Shall the conflagration rage to the ruin of the city, because some nice question of vested right prevents the destruction of a few structures whose value is as nothing compared to all? Shall the noble vessel founder rather than commit to the waves so much of her cargo as will relieve her, not caring who the owner may be, nor what the nature of his title? Shall the mortifying limb be spared, or the patient's life be saved?

If compensation be possible, let it be fully provided, and let all possible sacrifices be made to that end; but let it be remembered that the whole number of slaveholders in the State in 1860 was but 24,632—that is, less than one in 43 of our whole white population (how much diminished by the loss of slaves, it is not possible to say)—and I ask, shall all the interests of the immense remainder, 1,038,859, be sacrificed to this one interest of this forty-third part of our population? Certainly such arguments may be pressed too far and may become the ready instruments of gross injustice, wrong and outrage; but certainly also, when the case for their application is made, no one can safely dispute their propriety. It is for us to determine, in dealing with this great question, whether the case is made. If so, we need have no hesitation as to our duty.

Nor do I anticipate any serious opposition from the loyal slaveholders, but rather their cheerful and cordial acquiescence in any settlement of this question which may be deemed necessary to the restoration of peace and the removal of this cause of strife, contention and trouble; and it is to me a source of great satisfaction to be assured, though it may be impossible to provide direct compensation for the loss of the property involved in emancipation, that with it there will inevitably come a large, indeed an ample, indirect compensation. The experience of other States proves nothing more

clearly than that the immediate result of emancipation is the rapid enhancement in value of all other kinds of property, both real and personal. Who shall say that the owner of a given number of slaves, say ten, who finds his tract of land, of, say six hundred acres, increased in value, because of their emancipation, from $5 to $10 an acre, does not receive some compensation for his apparent sacrifice for the public good? It is one of those good deeds which, in the order of Providence, carries with it its own reward, not simply in the consciousness of duty performed, but in direct recompense. And, after all, it is idle to answer arguments which, so far as they tend to prove anything, tend to show that emancipation should now take place, since it is not an open question whether it shall be done, but how. Wise men who are interested in slave property will cordially sustain the policy of emancipation, seeking only by proper representation of their interests to secure such provisions as will, so far as may be consistent with other interests, guard them against injury.

If, then, emancipation upon a too gradual plan will not satisfy a large and increasing portion of our people, and so will not command such general acquiescence as is necessary for the public repose, and to prevent the continued and ruinous agitation of this question; if it will offer no sufficient inducement to the slaves themselves to remain at home at a time when the laws which would restrain their escape are to so great an extent impossible of execution, and therefore will not prevent their voluntary departure; if, for the same reason, it will not put a stop to their removal by others by violent and lawless methods; if it will offer less striking inducements than more speedy methods to a large and speedy influx of population which is essential to us, and which can come only from the free States, does it not necessarily follow that it will afford no adequate remedy for the evils under which we labor?

If I have succeeded in establishing this proposition, it results also, for the same reasons, that the next condition must be observed, *that the system to be adopted must apply not only to the after-born, but also to those now in being*, since a plan which gives freedom only to the after-born, either immediately to vest, or to vest after the lapse of years, and leaves those now in being slaves for life, or to be liberated after a long term of service, involves in almost equal degree the very difficulties I have endeavored to show to be insurmountable.

I have stated, also, that the plan to be adopted *must not be made to depend upon compensation*. Our present State debt of all classes, including also the outstanding issue of State Defence Warrants, which does not exceed $400,000 and the forthcoming issue of $1,500,000 of Union Military Bonds, one-half of the amount authorized by the Legislature at its last session is, as I learn from official sources, $26,635,000. If to this is added interest overdue and to accrue on the 1st of July next, the whole amount is $30,787,180. Our Constitution contains a provision that our State debt shall not be increased beyond $30,000,000, "except to repel invasion, or to suppress insurrection or civil war." This provision was inserted some years since, to prevent farther depreciation of our securities, by giving capitalists some reliable assurance against the increase of our debt beyond our apparent ability to pay; and it is worthy of very serious consideration, whether this is not such a pledge of the faith of the State as to prevent our exceeding that limit, unless warranted in so doing by the exceptions contained in the clause itself. If this view prevails, we have a margin, not including interest of but $3,365,000 by which we can increase our debt, which is alone so inadequate for compensation as to be of no avail. It is true other sums might be raised by taxation; but we are already so burdened by taxation, State and National, that our people would very justly complain at any large increase, and in large portions of the State additional levies could hardly now be made without utterly impoverishing the people. I have no doubt that a wise system of emancipation now adopted will have the immediate effect of so increasing the wealth of the State, that we would be infinitely better able to pay the interest upon a debt of $40,000,000 or $50,000,000, and to provide for its ultimate redemption, than we are now to pay our present debt of $30,000,000. In view, however, of the general feeling on this subject, I fear it will be found impracticable to provide a fund for compensation from our own resources, or our own unaided credit. If so, what present hope is there of aid from the National Treasury? Clearly, I think, good faith requires the Government to make some provision in aid of those States which adopt the policy of emancipation. Upon the recommendation of the President, Congress, by resolution adopted in April, 1862, pledged us pecuniary aid, and we all know how powerfully this pledge stimulated the emancipation sentiment. I was satisfied, and so urged in my

place on this floor last June, that if we promptly accepted the offer, thus clearly binding the Government, some provision would be made by Congress in redemption of the pledge. We failed to do so, and thus perhaps the golden opportunity was lost. We know the history of this matter in Congress, and how at last that body failed to provide funds for that purpose, though majorities in both Houses, notwithstanding the opposition of some of our own Representatives, did apparently desire to do something in that direction. I still hope, not without some confidence, that aid will yet be given us by Congress; but it is necessary to add that many of our wisest men, whose means of information are very good, have no such hope, and that while it was manifest in the last Congress that the body of one party is opposed to any such legislation, there was, on various grounds, such opposition to it from other quarters as to make it very doubtful whether the next Congress, probably not so favorably disposed to such measures as the last, will make any provision for it; and if no aid be given by the next Congress, there is very little reason to hope the future will be more fruitful. This body, providing for emancipation, should not adjourn before doing all that can be done, by memorial or otherwise, to press upon Congress the justice of our claim in this regard, and, at the proper time, I will make the appropriate motion, if no one else shall do so; but it is essential that we should deal with this whole matter with perfect candor, and build up, on the part of slave owners, no hopes which may prove delusive. And, therefore, whatever we may do to secure grants from Congress, and however we may hope that efforts in this direction may be successful, still the plan we devise should not involve compensation to be provided by Congress, as a condition. Emancipation must be provided for by some method, now to be devised, dependent on no future contingency, else our labor will profit nothing.

Once more: I have stated it as my conviction, that the plan to be adopted *cannot include any provision for the removal of the blacks coincident with their becoming free.* It needs no argument, in addition to what I have said, to prove that the means of the State alone are inadequate to accomplish this object. Even if this were not so, to what point could we, unaided, remove them? Not to any one of the free States, for their laws now in most instances forbid it, and the same feeling which prompted this legislation will no doubt secure it wherever it may seem needful. Not to any point beyond our national limits, for without the aid of the General Government we can make no arrangement with any other Power. It remains, then, only to inquire, as to this point, whether we have any reason to expect aid in this respect now from Congress. We know that plans for providing some place for deportation and settlement for free blacks abroad have enlisted the favor of the President, and the attention of Congress; but nothing substantial has been done, nor would there seem any sound reason to expect, while we are necessarily lavishing vast sums in crushing rebellion and defending the national life, that either Congress or the country will be willing to engage in an enterprise of doubtful success, and involving immense expenditure. It will be understood that I allude now only to the removal of the free blacks. I shall allude presently to plans suggested by which the negro may be removed from the State without becoming free. What then remains, is, as it seems to me, simply to meet the question as it presents itself, and to admit that we are obliged to frame a system which will permit the negroes freed here to remain, at least for the present, except so far as their own individual action may remove them.

I am well aware that there is a very general and strong desire, on the part of all who own slaves, that the negro, when freed, should be removed, a feeling in which I share, and which is based, in part, on sound reason, and to some extent on prejudice. And I am also aware, that this same desire exists, with perhaps greater intensity, on the part of a very large portion of our people who own no slaves. This feeling is based in part on the impression, no doubt correct, that contact with free blacks is injurious to the slave, and this, of course, ceases to apply, or applies with greatly diminished force, where either all are free or soon to become free. Another basis for it is the opinion, entitled to very little weight in a community where, as in ours, the negro population would be so largely outnumbered by the whites — and not of much force under any circumstances — that, by competition, the free negro will reduce the price and lower the dignity of labor. It is a singular commentary on this argument, that it is often found in company with the assertion that the negro, if freed, will not willingly labor at all.

I, too, desire the separation of the races. I think it best for the white race, whose interest

is paramount, and best for the black race, which, while sharing the same country, being inferior, must always be more or less subject. I have always shared the hope entertained by many of our best and wisest statesmen, that at some period, probably far beyond the lifetime of any of us, this unfortunate race, gathered again to that land from which they came, might find a home and found an empire, and work out for themselves a destiny; and I shall rejoice if this generation shall be able to contribute something to the realization of that hope. But now, and as to those of that race among us, I do not see that we have power to do anything in that direction.

If, then, their removal when freed is impracticable, it may be well to ascertain whether the evils resulting from their continued presence have any real magnitude, and whether, perhaps, there may not be some compensating advantages. A very common objection to any system of emancipation not extremely gradual, is, that it will tend to the depletion of our laboring class at a time when it is already much reduced, and when, therefore, we are least able to lose any portion of it. I do not think this objection has nearly so much force, when applied to any rational plan of emancipation, as many attach to it; but whatever its force may be, it is met by a plan so framed, that, for a time at least, this labor may be retained. Again, it is alleged that when the restraints of slavery are removed, the negroes will, as a class, become idle and depraved, a burden to the State as paupers, and possibly unruly. That this will be so, I do not think the history of the race, or of emancipation, furnishes any proof; but if it were so, is it not possible to devise a plan which, while this class shall be no longer enslaved, will provide such wholesome restraints during a term of probation prior to their enjoyment of absolute freedom as will guard them and us against these dangers? If there be danger, though I apprehend none, in those communities in which the slaves are most numerous, of uprising or violence, still, if it is at some time to be encountered, is it likely we shall ever be in a better condition to prevent or subdue it than now, when throughout the State our whole white population, capable of doing military duty, is to so great an extent organized and armed? And if it be admitted—a supposition not to be entertained—that the whole body of these blacks would at once sink into pauperism, and become a charge upon our charity, is it, in view of all the benefits the extinction of slavery will insure us, too great an evil to be temporarily borne by a white population numbering 1,063,509, destined upon the removal of slavery to a large, immediate, and continued increase, in the possession of so grand a territory, and endowed with all the high qualities which characterize our people?

But does the experience of any of our States, in which a large free black population is found, justify these fears? In Delaware there were, in 1860, 90,589 whites, and 19,829 free blacks; in Maryland, 515,918 whites, and 83,942 free blacks; in Virginia, 1,047,411 whites, and 58,042 free blacks; while here, supposing that our white population has increased not at all since 1860, there would be, if all our slaves were freed, certainly not more than 80,000 free blacks (including all now free), and 1,063,509 whites. Now, sir, while we know, and it is due to candor to state, that in these States there is a prejudice against this class, and complaint has been occasionally made of their presence, who will point to any evidence that they have been universally paupers; that they have ever been a serious charge on the wealth of the people; that they have been turbulent or troublesome; that they have in any way retarded the growth or diminished the prosperity of those States? And the force of these examples is increased by the fact that in two of the States I have named, Virginia and Maryland, there is also a large number of slaves, so that whatever evil influence would result from the contact of free blacks with slaves, is, in them, in full exercise. It may be suggested, however, that this free black population has been produced in the States I have named in the course of years, by individual manumission and by birth, and that thus their number has been almost imperceptibly increased, and this element has had time to adjust itself and conform without disturbance to the existing state of things. Again, I answer, may not their total enfranchisement among us be so regulated and graduated, that we may approach the conditions which show that in other States they do exist in equal or in larger numbers than they would with us, and in much larger relative numbers to the white population than would be the case with us, in perfect consistency with public prosperity and order? And even if no such plan could be devised, who will say, that if, after some time for preparation and arrangement, their absolute freedom were proclaimed, any danger seriously threatening our peace or tranquillity could arise from a class educated in the habit of absolute

subjection, and of whom by far the larger portion would be less than fifteen and more than fifty years of age?

Once more: It is to be remembered that, as our national statistics clearly show, the free black population, even in those latitudes most favorable to their health, increase very slowly, and out of all proportion slowly to the whites—as, for instance, while in Delaware there were, in 1830, 15,855 free blacks, increased in 1860 to 19,829, the whites increased during the same period from 57,601 to 90,589; in Maryland there were, in 1830, 52,938 free blacks, increased in 1860 to 83,942, while the whites increased between the same dates from 291,208 to 515,918; in Virginia there were, in 1830, 47,348 free blacks, increased in 1860 to 58,042, while the whites, during the same interval, rose from 694,300 to 1,047,411—so that the evils, whatever they may be, resulting to us from the presence of so large a population of this class, would be greater at the beginning than at any future period, and the rapid increase of our white population would render them every day still less. Unless better proof than I have yet seen can be adduced, to show that great evils of any kind are to be apprehended, which will not find their full equivalent in advantages to result to us by freeing them under wise conditions, I think we may rest in the conviction that those which are suggested are, to a great extent, imaginary, and that those which really are to be apprehended are greatly exaggerated, while they are by no means of such a character as to deter us from encountering them, if, indeed, we are shut up to some method which requires us to choose between them in some form, and the continuance of slavery, with all the evils which, especially as we are situated, are inseparable from it.

I have thus endeavored to consider fairly the consequences likely to result from giving freedom to our slaves under conditions which will involve their remaining among us after their enfranchisement. A method has been proposed, which, it is supposed, will, if adopted, avert this result, and free us not only from slavery, but from the negro; that is, by appointing a date some years hence, after which slavery shall not be permitted, thus affording the opportunity for the removal of the slaves with their owners, or for their removal for sale, to those regions where this institution may then exist. Even if this plan were free from objection otherwise, it may be seriously doubted whether it would secure the particular ends proposed, of enabling the owner to avoid loss, and insuring the removal of the negro. As we are now situated, the only State into which slaves be can removed is Kentucky, and our geographical position is such, that to the great mass of our people the attempt to make that transfer would be attended with great difficulties. Even if this physical difficulty did not exist, is there no reason to apprehend that the sentiments of a considerable portion of our people, especially during the continuance of the rebellion, would, however improperly, oppose such hindrances and obstacles to this general removal, if attempted, as would involve infinite loss, expense and trouble to the owner, and to the whole community endless excitement, irritation and tumult? And if this were not so, is it to be supposed that no objection would be made by the people of Kentucky to so large and sudden an increase of that class, which, in any view of their interests, is not specially needed, and which, for many reasons, if they are wise, they will be anxious to prevent? I should not only anticipate prompt prohibitive legislation by Kentucky, but I confidently expect to see that noble State, profiting by our wise example, speedily inaugurate measures which will secure freedom to her also.

But assume that the war will very speedily end in the complete and final overthrow of the rebellion, and the perfect restoration of peace and Union, which, by God's blessing, we have good reason to expect, and that then there will remain no physical obstacle to the removal of the slaves to Arkansas and thence to the other Southern States; is it not manifest that there are such doubts surrounding the condition of slavery as existing in those States, in view of the effect upon it of the war, of the President's Proclamation, and of the action of Congress, as will at least render the tenure by which slaves are held so precarious as to deter prudent men from taking them there, or from buying them when removed there, and as may very well, on the other hand, lead to legislation on the part of those States to prevent their reception? If any one or all of these contingencies may happen—and that some of them will I have no doubt—is it not obvious that any hope of removing the negroes by the plan proposed will be disappointed, and thus again confront us with the simple alternative of keeping this class among us, either as slaves, or, after a time, as freemen?

Here then, sir, unless I am greatly deceived,

it appears, as I have endeavored to show, that we are shut up in the choice of methods to some one which will remove slavery speedily without compensation — except as a possible result contingent upon the future action of Congress, applying to slaves now in being as well as to the after-born—and leaving the negro, when freed, among us. Let it be understood that in all this I seek to point out the facts as they actually exist, not as I would have them; to ascertain the stern limitations which circumscribe our choice of methods. Wise men, Mr. President, as I have said already, spend no time in fruitless repining that the things they prefer are impossible; that would be worse than folly. We have only to choose among possible paths, and select that in which it is best, in view of all interests, to tread.

There are four general plans which, with an infinite, actual and possible variety of detail, seem to have occupied the public mind:

First. That which is generally described as the gradual plan, which applies only to the after-born, leaving untouched all slaves now in being. As to this plan, however, it may be preferred when circumstances permit its adoption,—and I repeat that I consider it as infinitely the most desirable when choice is free, —I have endeavored to show that it will not meet the actual state of our affairs, will be unjust even to the slaveholders, and will leave us a prey to all the evils which accompany and follow the illegal removal of the slaves, in large numbers, either by their own act or otherwise.

Second. The plan to which I adverted a few moments since, in discussing one aspect of it, by which a period is fixed beyond which no slave shall be held in the State. To it, as it seems to me, there are several grave objections as a practical method of solving our difficulty, which may be very briefly stated. All will admit the importance of devising a method which shall be final, and, therefore, one which will so commend itself to the masses of our people, that the general acquiescence or approbation will afford some guarantee against its future modification or reversal.

This plan will meet, of course, the opposition, more or less violent, of those who desire immediate emancipation, and will not probably command the favor of those who desire the change to be wrought only through many years, and gradually. It affords no security against total change and reversal; even up to the very instant when it is to take effect finally, for under its provisions no negro becomes free in any case, unless the appointed day finds him in the State. No right to freedom vests, and *no constitutional barriers would prevent* the people from declaring, in a manner perfectly legal and regular, and by the same power which ordained it, if some strange change of sentiment should occur, that the plan adopted should be annulled, and should not take effect, and that, after the day named, slavery should, notwithstanding, continue in the State. I think it no answer to this argument to say that no such change is probable. Certainly I do not anticipate it; but who shall say in view of the sudden, and sometimes unaccountable changes of public sentiment witnessed throughout the country during the last two years, and the readiness with which, at such times of turmoil and excitement, new impressions are received and effaced, that it is not possible? We need such action as will prevent change—as will not only make Missouri free, but free forever—as will, as soon as may be consistent with justice, public order, and sound policy, take such effect as to prevent reversal, so far as that is possible.

Again, if we are to derive any farther benefit from the labor of this class, it seems to me to be essential that we should so deal with the question, if consistent with other important considerations, as to give the slave some reason to hope for a change in the future, and thus induce him to be content with his present and intermediate condition. I know that this is a view of the question which is not often considered; but it is one not to be overlooked by those who seek to discover, and to estimate the force of all the influences affecting it. What ordinarily intelligent negro in the State, old enough to grasp the simplest thought, does not understand that his freedom or continued slavery is the great topic of discussion; that some desire he should be instantly freed, and all agree that emancipation, at an early day, is inevitable? Our knowledge of human nature is all-sufficient to satisfy us, that if the hope of freedom once implanted and encouraged is withdrawn, discontent will follow. Is it not easy to see that when once it comes to be understood, that the hope of freedom is withdrawn by the adoption of a method which proposes not freedom, but removal in slavery, escapes will be infinitely more numerous, in a State where, in view of all the facilities offered,

it may now almost be said that slavery is voluntary?

Again, no plan can be good which is so framed as to create expectations which cannot with reasonable certainty be realized. I have endeavored already, in another connection, to show that it would, in all probability, prove impracticable, for divers reasons, to remove the slaves into other slave States. If so, that portion of our people, who in that hope will approve, will, in the end, being disappointed, condemn it, and with all the more violence that they have been misled.

A similar objection is to be found in the fact that while the mind of the whole State has been directed to the consideration of methods of emancipation, this really is a system of deportation without emancipation. Under it Missouri would be freed from slavery; but if its operation should answer the end proposed, no slave need by it be freed. Practically, and by reason of the obstacles to their removal, as I have sought to show, many would become free. I speak only of the effect it might produce in perfect consistency with its design. And surely I need not argue in this presence to prove, that if it can be done with equal justice to the owner, and equal regard for the interests of the State and its people, it is far better to free our slaves on such conditions as will, as far as possible, fit them for the right use and rational enjoyment of freedom, than, under the name of emancipation, sell them to other owners.

Still farther, the General Government has promised us aid in bearing the burdens incurred by the change of system which emancipation involves, and many still hope that such aid may be given. But if such a plan be adopted, we cannot in good faith ask or receive its aid; if, indeed, in such a case, there is any reason to suppose it would be offered, since compensation was promised to indemnify for loss, and how shall our loss be estimated; how can we claim or show that any loss has been sustained, when we have sold our slaves to Arkansas and Kentucky?

The third plan is that of immediate and unconditional emancipation. From such a plan I think much evil might result, not only to the great interests of the State, but to the slaves themselves; and if so, certainly sound policy and true humanity condemn it. To the educated, the enlightened and thoughtful man, the instant change from life-long slavery to freedom would be abrupt and trying, much more to the ignorant, the thoughtless and the weak-minded negro. The effect of such a plan cannot of course be accurately foreseen, but there is reason to fear that a change so sudden and radical would produce much evil and suffering among the slaves, without any corresponding advantage either to the whites or to themselves. All changes in systems of labor wrought too suddenly are certain to be followed by unfortunate consequences; and here certainly it would seem that if an interval of preparation and of education for independent and self-reliant action could be placed between slavery and the actual enjoyment of absolute freedom, no injury could arise, while much good might follow. I have no fear in such a case of any outbreak among the negroes, but some persons have such fears. Is it not just and proper, therefore, with due regard to the interests of those of our people who inhabit the few counties in which the negro population is really numerous, and in which a very large proportion of all the slaves in the State are found, to consult even their groundless fears, as to a matter so vital to them, when it can be done without prejudice to any interest? I have tried to show that the fear entertained by some persons, that, if freed, they would, as a mass, and for any length of time, prove idle, turbulent, and a charge on public and private charity, is not well founded; but if there were any danger of this, undoubtedly the danger is greater if they are suddenly and in a body freed. And if many apprehend it, is it not well to shape our action so as to avoid all chance of danger, if such modifications are consistent with the success of the general plan? And again, since it is a necessity not to be avoided that the master shall lose his slave, and since we ourselves can make no provision for payment, nor give any guarantee of future compensation, does not justice require that we should, as far as the paramount interests of the State and of all the people, rather than their slaves, permit, make such provisions as shall change the relation and destroy this right as gently and as justly as possible? I am not ignorant, Mr. President, that a very considerable portion of our people, whose numbers have rapidly increased of late, earnestly desire and deem it most important that this great work should be done immediately, and prefer to encounter whatever evils may ensue, in view of the relief and advantage to be gained, rather than incur a moment's delay. And, indeed, it is not wonderful that among a people

who have suffered so much for two years and more, and whose sufferings connect themselves so directly with slavery, should arise the conviction that slavery is the cause of their troubles, and they desire, by any means and at whatever cost, to be rid of it without delay. Revenge is said to be sweet and the desire for it natural; but it is a bad counsellor, and in the midst of suffering we must not forget justice, nor disregard the suggestions of wisdom.

I have no sympathy with any who, in seeking this result, and in their eagerness to attain it, are ready to disregard all sound restraints, to reject the counsel of the wise and the experience of others, to mock at laws and constitutions, and their wholesome limitations, and to despise all right; and of such, I am glad to believe, the number among us is small. But for the masses of those who desire immediate emancipation without conditions, and are unwilling to bear any delay, while I widely differ from them, I know the purity of their motives, the loyalty of their purpose, and that their opinions, which I deem erroneous, are the result of the fiery trials through which they have passed with untold suffering; and so perfect is my confidence in their patriotism and justice, that, whatever their preferences may be, I am persuaded they will cheerfully acquiesce in any action which gives certain promise of relief, and involves no greater delay than the just weight of such considerations as I have indicated seem to require.

The remaining method is one which I think is commended to our most favorable consideration, and which combines some of the advantages of both the immediate and gradual plans, while it seems to avoid the difficulties of both; which, while it proposes to give qualified freedom to all the slaves at a very early day, still provides for service to be rendered the master for a term of years; destroys slavery, while it retains the labor of the former slave, and confers qualified and, hereafter, absolute freedom, guarding against its possible abuse. Such a plan I have endeavored to present in the ordinance I have framed and introduced.

If I have accurately defined the limits within which we are bound to act, this plan seems to satisfy them all. Those who desire immediate emancipation should find no fault, for this, though it does not secure the end they desire, secures many of its alleged advantages; while those who prefer the more gradual plan will find many of the benefits to be derived from it also secured. It is indeed gradual in this, that it confers freedom by degrees.

I have labored to show that the plan adopted, to be effectual must be speedy—not dependent on compensation—not conditioned on deportation, and applicable to all classes of negroes. This plan is drawn with reference to these views, and whatever objection may be found to them I have already sought to answer. After what has been said, very little need be added, except in brief explanation of the details of this plan.

The dates at which qualified freedom is to begin, and apprenticeship to terminate in absolute freedom, must, of course, be somewhat arbitrarily selected, though it is important they should both be fixed as early as is found to be consistent with justice to the owner, humanity to the slave, and proper regard for the interests to be affected by the change. Time must be allowed for preparation, and for all classes to adjust themselves to the new system. The first of January next I think soon enough for the first step, and the fourth of July, 1876, not too long for the second. If the negroes to be apprenticed were divided into classes, according to age, it would perhaps be well to make the term shorter as to those now of full age or closely approaching it, and longer as to those born hereafter, or now of tender years; but the practical difficulty of ascertaining the age of persons of this class is so great, that it seems best to me to deal with all in the same way, and certainly it is best, if it can be done, to prevent the separation of families, which would happen if part become absolutely free while the remainder are held to service. Moreover, such details tend to complicate the plan, render it less easy of execution, more difficult of comprehension, and therefore less likely to be generally acceptable. I have thought it best, therefore, to select a date which shall apply to all classes; and, I confess, there are reasons which would make it most agreeable to me to see the centennial anniversary of so grand an event as the declaration of our national independence appointed as the date for the perfect enfranchisement of the State.

It is necessary to provide, as in section three, for legislation which will prevent the removal of apprentices from the State, and so to guard against attempts in that mode to evade and violate the ordinance.

The fourth section, which requires the Legislature to pass laws to secure the humane and proper treatment of apprentices, provides for

no more than the laws regulating slavery now require; and the legislation it proposes to secure the return of fugitives, and to punish those who would entice them away, or knowingly harbor them when fugitive, corresponds with statutes now in force concerning apprentices, and is of such obvious propriety as to need no explanation or defence. Justice equally requires us to provide for the proper treatment of the apprentice, and to secure to the master faithful service during the prescribed term.

There can be, I presume, no objection to that section which provides for a release of the right to the service of the apprentice, and it would seem simply just to permit the master, if he desires, to relieve himself from the obligation to support those whose services he no longer wishes to retain.

Humanity requires some provision to be made for the maintenance of those thus left without support, and who are unable to provide for themselves. And no method appears more just than, by the levy of a general tax, to require all the people of the State to share a burden resulting from action which will benefit all alike. I have no fear that the tax thus provided for will prove onerous, or will need to be long continued. The grounds of this confidence I have endeavored already to show.

There would seem manifest propriety in the provision, which, in view of contemplated emancipation, relieves the slave owner from farther taxation and from the payment of taxes already assessed against that species of property. When so much must be relinquished, he should not be required to pay for the small remainder.

Much is left to be done by the Legislature in supplying details. This seems the proper course, inasmuch as the fall session is appointed for a time sufficiently early to enable that body to take the necessary action before the system takes effect, and it is best, for many reasons, to leave to it all that properly falls within its province. If this view should not prevail, it will be very easy to supply the necessary provisions.

It has been suggested that if a plan of this kind is adopted, compensation, at a moderate rate, should be required to be paid the apprentice by the master. This, it is contended, will tend to prepare the negro for freedom, by teaching him habits of self-reliance, and preparing him to provide for his own support. Whatever weight this suggestion may be entitled to, it is open to a double objection: first, that while we cannot make compensation to the owner for what we take from him, it would seem unjust to require him to pay for what remains; and second, that it is unjust to make him pay for the labor of a part of the negroes, when, in most cases, another portion will, for various reasons, be an expense, or yield very little profit. Again, it is suggested that another feature of such a plan should be, to require the owner to give to apprentices, who have attained a certain age, such elementary education as will, to some extent, prepare them for freedom, and prove a barrier against crime and pauperism. Beyond all doubt they will prove a more valuable and less dangerous class, just in proportion as they are rescued from ignorance; but such provisions, however guarded or however to be enforced, would most probably prove a dead letter and impracticable, in cases where the master is either negligent or unwilling, so that, in view of very probable prejudice existing against it in many quarters, I can see no substantial benefit likely to result from its adoption. And I may remark, that I deem the general result so important, that I doubt the wisdom of risking its success by insisting upon any conditions, which, however advantageous they may seem, are not absolutely essential.

I have purposely omitted to allude to the question as to whether the action of the Convention on this subject should be submitted for ratification to the popular vote, because, while I have decided opinions concerning it, and shall desire to be heard on it at the proper time, it is a matter about which I presume there will be a diversity of opinion among the friends of emancipation, and it seems to me all other discussion should be avoided until the chief question is decided.

After much and anxious thought, this, I believe, is the best method of solving a difficulty which, great as it is, must be met, and of reconciling the conflicting views of those who still are agreed as to the end to be attained. If any better plan can be devised, I shall gladly support it, and give such aid as I can to secure its adoption. And if no plan can be adopted which I think wise, I shall still certainly support the best which, under all the circumstances, can be secured. Meanwhile, approaching the consideration of this most important topic with an earnest desire to secure its wise and just solution, and trusting that our deliberations will be conducted in that spirit of courage, forbearance and wisdom which the crisis so

urgently demands, I bespeak for it candid and unprejudiced consideration, and invite the closest scrutiny.

We cannot, if we would, go back; we must go forward. It is for us now to decide whether we shall still merit the approval of those we represent, or whether they shall find us unfaithful to them and unequal to the pressing demands of the occasion.

We may so act that our noble State, now almost bankrupt, shall again bound forward with credit restored and wealth redoubled, all the stronger and more prosperous for the baptism of fire which purifies the metal of the dross that mars it; that population now repelled may be invited; that life and energy now languishing may be revived and increased; that our desolated homes and deserted farms may smile again and "blossom as the rose;" that blessed peace may once more gladden all our borders. We may, on the other hand, so act, that while we cannot, if we would, prevent this great reform, we may embarrass and delay it, and so curse the State we are sworn to serve, by a continuance of the evils which now distract and threaten to destroy it. It will be to me, sir, a glad day when it can be said that Missouri has decided beyond recall in favor of emancipation, and I shall reckon it a source of honest pride that I have been able to contribute in some degree, however small, to this great and good result; for however some may now doubt or deny the expediency or wisdom of this policy, the day is not far distant when conclusive results will demonstrate it, and those who inaugurate it will be envied that privilege by those who desire to win names worthy of honor.

It is to me a source of intense satisfaction, that by this action we shall demonstrate once and for all, that our great State finally rejects all thought of disloyalty, and all the wicked suggestions of treason. That if, by reason of slavery existing within her borders, any have thought her sympathies were with treason, or her destiny could in any event be allied to it, now by a final renunciation she attests, as much of her best blood has already done, her perfect fidelity to the Union. And who can say that our action may not prove to some of our sister States an example to be examined, to be approved and imitated, thus securing for us the glory not only of discharging every duty of a perfect loyalty, but of leading others in the same glorious path!

The record of Missouri during these years of strife and bloody trial may well fill her children with honorable pride.

Carried unconsciously to the brink of ruin by her own most honored and yet most faithless servants, by heroic efforts she saved herself from the last and fatal step. With civil war in its worst form raging throughout her borders, struggling (by God's blessing, successfully) to assert her right to be loyal, sustained and encouraged by our noble brethren of the free States, she has yet sent thousands of her sons beyond her borders to fight the battles of the Republic, and every western and southern battle-field is illustrated by their noble deeds, and enriched by their blood. Suffering untold evils, a prey to war in its worst form, she has followed the grand old flag with steps never lagging or uncertain, counting no sacrifice too great in so good a cause.

And now, while working out a result commended by every consideration of self-interest, I trust she will give the crowning proof of her devotion by casting out the only influence which yet seems to any to invite treason, or give it hope of lodgment within her limits.

Thus acting, her reward is sure, and emerging from the bloody ordeal through which she has passed, she must speedily assume her just rank among the foremost in a Union more and more perfect in all its parts, and bound forward in her high career, peaceful, prosperous, and powerful, because loyal and free.

NOTE BY MR. BRECKINRIDGE.

I append the following table, which has not heretofore been published, and for which I am indebted to the courtesy of the Hon. J. G. C. KENNEDY, Superintendent of the Census. It will perhaps be useful as illustrating and confirming the preceding argument, and will afford much valuable and curious information on the general subject. It will be remembered that it relates to the year 1860, that since that time there is an estimated decrease in the number of slaves in Missouri, of from forty to forty-five thousand, and that this decrease has occurred chiefly in the number of those between the ages of 18 and 45.

(See Table on next page.)

Mr. HENDERSON offered the following as a substitute for Mr. Orr's resolution:

"*Resolved*, That a committee of nine members, one to be elected from each Congressional District, be elected by the Convention, to be called the Committee of Emancipation, to which all pending ordinances, and all hereafter to be presented, on the subject of emancipation, shall stand referred."

Mr. GANTT. I would propose to amend by adding "and that any project of emancipation in the form of an ordinance shall be printed and stand referred to said Committee."

Mr. DRAKE. I do not desire myself to occupy the time of the Convention any further in general discussions of the subject of emancipation; but I do not wish that any means should be used, as was the case a year ago, to stop discussion. If that should be the effect, I do not desire that the resolution should pass, while I do wish that the resolution of the gentleman from Pike should be carried, and the committee be at work.

The resolution, amended as follows, was put to the vote and carried:

"*Resolved*, That a Committee of nine be appointed, one to be selected from each Congressional District, be elected by the Convention, to be called the Committee on Emancipation, to which all pending ordinances, and all hereafter to be presented on the subject of emancipation, shall stand referred; and any project of emancipation in the form of an ordinance shall be printed and stand referred to said committee."

On motion of Mr. HALL of B., the Convention adjourned until 2½ P. M.

AFTERNOON SESSION.

Convention met at 2½ o'clock.

A communication was read by the clerk from W. S. Mosely, the State Auditor, calling the attention of the Convention to the policy of providing some means of protecting and securing to private soldiers and their relations, their honest claims against the General Government, by establishing at Washington a State Agent, whose duty it shall be to receive, present, and prosecute all claims in behalf of the soldiery of the State, without cost to them; and that a suitable appropriation be made for the purpose. Missouri, it was stated, has now forty regiments in the United States service,

Classification by Ages and Sexes of the Slave Population of the State of Missouri.

Under 1.		1 and under 5.		5 and under 10.		10 and under 15.		15 and under 20.		20 and under 30.		30 and under 40.		40 and under 50.		50 and under 60.	
M.	F.	M.	F.	M.	F.	M	F.	M	F.	M.	F.	M.	F	M.	F.	M.	F.
1752	1805	8523	8584	9547	9314	8513	8539	7053	6835	10187	9497	5621	6019	3240	3649	1659	1881

60 and under 70.		70 and under 80.		80 and under 90.		90 and under 100.		Above 100.		Age unknown.		TOTAL.		AGGREGATE.
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
785	942	253	327	85	104	29	45	10	28	3	2	57,360	57,571	114,931

Number of Male Slaves between the ages of 18 and 45—20,249.

Proportion of Males between 18 and 45 to Slave population—17-61 per cent.

ten regiments in the militia service, and a large number of enrolled militia regiments in active service within the borders of the State.

Mr. GRAVELLY. I move that the communication be referred to a select committee of five. Carried.

Messrs. Gravelly, McDowell, Foster, Holt and Phillips were appointed.

Mr. MCCLURG. I beg leave to offer the following resolution:

"*Resolved*, That J. Delahay be appointed one of the pages of the Convention." Adopted.

EMANCIPATION COMMITTEE.

The Convention then proceeded to the election of an Emancipation Committee, consisting of nine members, one from each Congressional District.

Mr. HALL of B. I nominate the Hon. H. R. Gamble as a committee man from the *First District*.

Gov. Gamble was unanimously elected.

Second District.

Mr. Rankin nominated Mr. Bush.

Mr. Duvall nominated Mr. Pomeroy.

Mr. Bush nominated Mr. Eitzen.

The roll having been called, the votes stood for Mr. Bush, 45; Mr. Eitzen, 1; Mr. Pomeroy, 17. Mr. Bush was declared elected.

Third District.

Mr. Leeper nominated Mr. Bogy, who was, on motion, unanimously elected.

Fourth District.

Mr. McDowell nominated Mr. Gravelly.

Mr. Hall of B. nominated Mr. Ritchey.

The roll having been called, the votes were for Mr. Gravelly, 31; Mr. Ritchey, 33. Mr. Ritchey was, therefore, declared elected.

Fifth District.

Mr. Douglass nominated Mr. Phillips.

Mr. Gravelly nominated Mr. McClurg.

The roll was called, and the votes were for Mr. Phillips, 40; Mr. McClurg, 25. Mr. Phillips was declared elected.

Sixth District.

Mr. Dunn nominated Mr. Birch.

Mr. Marvin nominated Mr. Comingo.

The roll having been called, Mr. Birch was found to have received 18 votes, and Mr. Comingo 45. Mr. Comingo was, therefore, declared elected.

Seventh District.

Mr. Vanbuskirk nominated Mr. Hall of Buchanan.

Mr. Drake nominated Mr. Stewart.

The roll having been called, the votes were—Mr. Hall, 40; Mr. Stewart, 26. Mr. Hall was declared elected.

Eighth District.

Mr. Smith of Linn nominated Mr. Hall of Randolph.

Mr. Shanklin nominated Mr. Smith of Linn.

Mr. Hall of R. nominated Mr. Foster.

The roll was called and resulted as follows: Mr. Hall, 35; Mr. Foster, 26; Mr. Smith, 5.

Mr. Hall was declared elected.

Ninth District.

Mr. Henderson nominated Mr. Moxley.

Mr. Drake nominated Mr. Henderson.

Mr. Flood nominated Mr. Howell.

The roll having been called, the votes were for Mr. Moxley, 5; Mr. Henderson, 42; Mr. Howell, 16.

Mr. Henderson was declared elected.

ON EMANCIPATION.

Mr. DOUGLASS. I beg leave to offer

AN ORDINANCE FOR THE ABOLITION OF SLAVERY IN MISSOURI.

Be it ordained by the People of Missouri, in Convention assembled, as follows:

Section 1. No negro or mulatto, bond or free, shall be brought, or shall come, into Missouri at any time hereafter.

Sec. 2. All negroes and mulattoes now held as slaves in Missouri, and the issue of all such negroes and mulattoes, shall, if remaining in Missouri on the first day of January, eighteen hundred and seventy, become absolutely free on that day.

Sec. 3. No law imposing restrictions upon the sale of slaves in this State, or the removal of slaves from this State, shall be passed by the Legislature at any time prior to the first day of January, in the year eighteen hundred and seventy (1870).

Referred to the Committee on Emancipation.

Mr. FOSTER then submitted the following:

AN ORDINANCE FOR THE EMANCIPATION OF SLAVES IN THE STATE OF MISSOURI.

Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abolished.

Sec. 2. From and after the first day of January, eighteen hundred and sixty-nine,

slavery and involuntary servitude, except as a punishment for crime, are abolished, and all slaves on that day within this State are hereby declared to be free.

Sec. 3. The Legislature of the State of Missouri shall, upon the taking effect of this ordinance, pass such laws as shall be necessary for the support, protection and maintenance of all persons who shall be made free by this act, who may be unable to provide for and maintain themselves on account of unsoundness of mind, debility, extreme youth, or old age.

Sec. 4. It shall be the duty of the Legislature of the State of Missouri to pass such laws as will provide for the apprenticing of such persons who are made free by the operations of this ordinance, who shall be under twenty-one years of age on said first day of January, eighteen hundred and sixty-nine, to such suitable persons as the courts authorized to perform this duty of apprenticing may deem proper, such term of apprenticeship to continue until such apprentice becomes twenty-one years of age, and no longer; and it shall further be the duty of the said Legislature to pass such laws as may be necessary to secure the proper and humane treatment of such apprentices, and to prevent their removal from this State during such term of apprenticeship.

Sec. 5. From and after the passage of this ordinance no slave, free negro, or mulatto, shall be permitted to come to and remain within this State.

Sec. 6. No free negro or mulatto shall ever, under any pretext whatever, be allowed to exercise the elective franchise within the State of Missouri.

Sec. 7. This ordinance shall be submitted to the people of Missouri at the regular election, to take place on the first Monday of August, eighteen hundred and sixty-three, for their ratification or rejection. If a majority of the votes cast shall be in favor of this amendment, it shall be a part of the Constitution; but if a majority of the votes so cast shall be against the adoption of this amendment, then this ordinance shall be null, void and of no effect.

Sec. 8. It shall be the duty of the clerks of the several county courts within the State of Missouri to prepare two columns in the poll-books for the August election, eighteen hundred and sixty-three, one headed "In favor of the ordinance of the Convention," and the other headed "Against the ordinance of the Convention."

Referred to the Committee on Emancipation.

Mr. HITCHCOCK. I wish to offer a series of resolutions, and ask that they be referred to the Committee on Resolutions and Ordinances. They express the views and conclusions to which I have come after a great deal of reflection and without consultation with any one. I was anxious, as far as my judgment would enable me, to act independently; since I have been here, however, I have found that the same conclusions have been arrived at by other gentlemen of this Convention. I do not feel it imperative, even if it were appropriate at this time, to present my views before this Convention; but it will be observed that there are one or two features that have not been specifically mentioned in any of the plans discussed so far.

The resolutions were then read by the clerk.

"1. That the peace and welfare of the State of Missouri and of the loyal citizens thereof, in view of the bitter experience of a bloody and destructive civil war, inaugurated by the advocates of African slavery, with the avowed purpose of perpetuating and extending the same, imperatively demand the adoption, at this time, of some plan of emancipation which shall utterly destroy all hopes by them entertained, by reason of its extinction in our midst, that this State can ever be induced to join in, or give aid to, the rebellion.

"2. That while for this purpose it is essential that such plan of emancipation shall provide without delay for the recognition, by law, as free persons, and not as property, of those heretofore held as slaves in Missouri, it is also demanded, as well by the best interests of those persons as by the necessities of the State, its social and material well-being, that such plan should provide by just and humane regulations against the sudden withdrawal of the supply of labor heretofore furnished by this class.

"3. That such regulations should, for a limited period, secure to the former owners, or their representatives, the continued labor of the servant; also securing to the laborer humane treatment, reasonable compensation, the opportunity of instruction; together with the right of appeal to the courts in redress of wrong, the privilege of commuting, when able,

the term of service required, and the recognition and protection of the family relation, and should provide the immediate registration of all persons now held as slaves.

"4. That, in the opinion of the Convention, the adoption of a plan of emancipation, such as above indicated, will not only give to the world the strongest assurance of the immovable loyalty of the Union men of Missouri, but will work wisely, and surely promote the peace of the State, the prosperity of its varied interests, and the earliest development of its magnificent resources."

Referred to the Committee on Emancipation.

Mr. DRAKE called up the resolution offered by him yesterday, stating that he desired action upon it.

Mr. W. P. HALL moved that the resolution be referred to the Committee on Emancipation.

Mr. DRAKE. I prefer a direct vote upon it; I prefer having action upon it now.

Mr. HALL moved its reference to the committee; the motion was carried.

Mr. MARVIN moved that J. Delahay be appointed a folder to the Convention. Lost.

Mr. BIRCH submitted the following resolution:

"*Resolved*, That the Committee on Emancipation be instructed to inquire whether any additional legislation is necessary for the protection of the institution of domestic slavery as guaranteed by the Constitution of this State and that of the United States, and that they report by ordinance or otherwise."

The PRESIDENT stated that as the Clerk desired to bring up the minutes, an early adjournment was desirable.

On motion of Mr. HOUGH, the Convention adjourned to Wednesday, 10 A. M.

THIRD DAY.

JEFFERSON CITY,

Wednesday, June 17, 1863.

The Convention met at 10 o'clock.

President in the chair.

Prayer by the Chaplain.

The PRESIDENT. The reading of the journal will be dispensed with, the Clerk not being prepared.

ROBERT T. PREWITT having been elected delegate from St. Joseph District, to represent the Sixth Senatorial District, came forward and presented his credentials.

Mr. LINTON of St. Louis offered the following resolutions on emancipation, which were read and referred:

Resolved, That slavery stands condemned in the forum of justice and the conscience of Christendom.

Resolved, That the institution was tolerated as an evil, not cherished as a good, by the founders of the Republic.

Resolved, That emancipation is the right of the slave, and the duty of the master.

Resolved, That by emancipation England and France have not only discharged a debt due to humanity, but contributed to the prosperity and happiness of their colonies.

Resolved, That the error, or fault, or crime, of slavery lies at the door of the whole people of Missouri. The State should guard against the infliction of individual losses in her programme of emancipation. All should share in the losses, if such there be, as well as the benefits resulting therefrom.

Mr. S. O. SCHOFIELD having been elected delegate from the Twelfth Senatorial District, came forward and presented his credentials.

ON THE ELECTION OF GOVERNOR, ETC.

Mr. EITZEN introduced the following ordinance, which was read by the Clerk:

Be it ordained by the People of the State of Missourt, in Convention assembled:

Section 1. That on the first Monday in August, 1863, a Governor, Lieutenant Governor, and all other State officers during the term for which the present incumbents of said offices were appointed by the State Convention, shall be elected.

Sec. 2. That the election provided to be held by this ordinance shall be conducted in the same manner, in all respects, as now provided by the election laws of this State now in force.

Sec. 3. That the returns of the election for Governor, Lieutenant Governor, and all other

State officers provided for by this ordinance, shall be made to the office of the Secretary of State, as now provided by law.

Sec. 4. That the Governor, Lieutenant Governor and the Secretary of State, appointed by ordinance of the State Convention, and the State officers appointed by the Governor, shall hold their offices until the first Monday in November, 1863.

Sec. 5. That the officers elected by this ordinance shall hold their offices from the first Monday in November, 1863, until the expiration of the term for which the present incumbents of said offices were appointed, and until their successors are duly elected and qualified.

Mr. HALL of Randolph moved to refer it to a Committee of five.

Mr. DRAKE. There can be no particular reason why this proposed ordinance should be referred to a committee. I do not think there is any necessity for a reference to a committee unless it be to put an immatured ordinance into shape. I judge, by reading this ordinance, that it is sufficiently complete in itself for the accomplishment of the purpose intended by it; and I would suggest to the gentleman from Randolph to withdraw his motion and let the ordinance come before the Convention immediately. I would suggest that an ordinance of that description, so immediate in its character, should not be delayed. I move that it be printed and laid upon the table, that the members may have an opportunity of examining it before it becomes a subject of discussion.

Mr. HALL of Buchanan. I call for a division on the question.

Mr. HALL of Randolph. I move that the ordinance be laid upon the table.

Mr. DRAKE. I call for the ayes and noes.

The result was, ayes 41, noes 35; absent, Mr. Birch; sick, Mr. How; excused from voting, Mr. Hall of Buchanan.

THE CASE OF V. MARMADUKE.

Mr. HALL of Randolph. I wish to state, Mr. President, in the hearing of the Convention, what is not known to some of the members, that the Committee to inquire into the case of Mr. Vincent Marmaduke was appointed in consequence of a communication from the Provost Marshal General. I ask that that communication be read.

The communication of the Provost Marshal General was read by the Clerk.

Mr. HALL of R. I now ask that the report of the committee be read.

The report and resolutions of the committee were then read by the Clerk.

Mr. HALL of R. I now beg, for the information of the members of this body, some of whom had not an opportunity of learning the particulars of the case, that the remarks of Mr. Broadhead be read.

The remarks of Mr. Broadhead were then read from the *Missouri Times* of the 17th of June.

Mr. HALL of R. I wish now to state that, in my opinion, this matter seems to call for a response on the part of the Convention. I thought a motion to that effect had better come from another source; but as it did not, and perhaps for good reasons, I myself made a motion for the appointment of the committee. The committee, in considering this matter, did not undertake to try Mr. Marmaduke, or to say whether it was proper he should have a seat in this body, nor whether he should be expelled. The simple question was whether he should be permitted to come here, and whether we desired that the Commanding General should oppose obstacles to his coming here. Now, I think, sir, as there are no military reasons, the Commanding General ought not to interpose obstacles to Mr. Marmaduke's coming here; but if there are any other reasons why he is not fit to take his seat here, it is for this Convention to determine, and not the Commanding General. If the military authorities see no objection to his coming here, he ought to be allowed so to do, to be present at his own trial. I do not know what my opinion may be when I have heard Marmaduke. It is sufficient for me that the Commanding General offers no objection to his coming here, and if *he* has none, I think it is unbecoming in this Convention to prevent the attendance of a member. If there are good grounds for his attendance he has a right to be here, and we have the right to expel him from this body if we find just cause for so doing. The committee have not undertaken to say whether the charges against him are just or not. It is their opinion that he should come here and attend to his own defence.

Mr. FOSTER. I rise to move that the report and resolution of the committee be laid upon the table. We are informed by the gentleman from Randolph that the committee did not consider there were any charges against Mr. Vincent Marmaduke. I presume this Convention would not undertake to try one of its members against whom no charges were preferred. I presume, upon the face of these papers in the

case here, that this Convention would not undertake the responsibility of trying him. I understand from the report of the Provost Marshal General that General Schofield, the Commanding General of this Department, knows of no military reason why he may not be here. If that be true, sir, and I take it for granted it is, I know of no military reason why he should be held a prisoner of war. The only thing necessary to enable him to take his seat here is to release him; and as there is no military reason for his detention, I think the Commanding General should permit him to take his seat, and not ask this Convention to shoulder the responsibility of inviting him. If there is no reason for holding Marmaduke, it is wrong to hold him a prisoner, and if there is, it is equally wrong to ask Gen. Schofield to send him here; and by no vote or act of mine will I give such an invitation. It was not by this Convention that Marmaduke was arrested; he was arrested by the military authorities of this Department, and now the Commander says he knows of no military reason why he should not come here; therefore there is no military reason why he should not be released, so that he might be permitted to come. I shall not vote to send an invitation to Gen. Schofield, or to any one else, though I respect him as a gentleman, an officer, and a soldier, and as the Commanding General of this Department. I move to lay the report and resolution on the table.

Mr. HITCHCOCK. I would ask my friend to withdraw that motion one moment.

Mr. FOSTER. I would like to accommodate my friend from St. Louis, but, sir, this matter has been argued by the gentleman previous to this, and I see no reason why the argument on this matter should be continued.

Mr. DRAKE. I call for the ayes and noes. I would inquire of the Chair if it is the rule, when the ayes and noes are called, that all explanation is cut off?

THE PRESIDENT. Yes, sir. The rule would be defeated if any other course were taken.

Mr. DRAKE. I wish to know merely for the sake of ascertaining what course will be taken in the present instance. At the first meeting of this Convention, a motion was made to lay upon the table a motion made by Mr. Long of St. Louis to the effect that President Lincoln's message was one of peace, not of war. When that vote was taken, members explained their votes. The records of the Convention show it.

THE PRESIDENT. The rule says that upon questions of this sort no discussion shall be allowed. If members explain their votes, it occurs to the Chair that it would subvert that rule. I am anxious that the Convention itself, if there are doubts upon the mind of any member, should settle this question before the vote is taken.

Mr. DRAKE. I move that each member be allowed to explain his vote, not occupying more than five minutes in doing so.

Mr. HALL of R. I rise to a question of order. The motion to lay upon table takes precedence of all other questions, and the gentleman from St. Louis has no right to make any other motion at this time.

Mr. S. SMITH. I wish to ask what will be the effect of laying this upon the table; whether it disposes of it for all time or only for to-day, and whether it requires more than a majority vote to carry it.

THE PRESIDENT. It cannot be carried without a two-thirds vote.

Mr. HALL of R. If it is laid upon the table the members themselves cut it off. If they desire to make explanations, they can easily do so by moving to lay it upon the table.

On vote the question was decided in the negative, the result being ayes, 26; noes, 50.

The report and resolution of the committee were as follows:

"The Committee to whom was referred the communication of the Provost Marshal General of Missouri, in relation to the case of V. Marmaduke, a member of this Convention, beg leave to report that, on investigation of the grounds of the order of banishment against Mr. M., they find no allegation which would disqualify him as a member of this body, or make it in any respect improper that he should be permitted to attend our present session; we therefore recommend the adoption of the following resolution:

"*Resolved*, That the Provost Marshal General be requested not to interpose obstacles to Mr. V. Marmaduke's attendance at this Convention."

Mr. HITCHCOCK. I propose to amend the resolution now before the House by adding, "and that the General Commanding this Department be requested to communicate to this body the reasons for the arrest of V. Marmaduke, and the grounds upon which he stands charged with disloyalty.

"2. That due inquiry be made by this body as to the conduct and declarations of V. Mar-

maduke touching his loyalty to the Government, with a view to such action thereon as the facts may appear to demand."

It has appeared to me that there has been a misconception in this body as to the facts of this case. I understand the fact to be that, for reasons which are not given in detail, the military authorities have arrested Mr. V. Marmaduke; that the Commanding General, upon the meeting of this Convention, very properly communicated to this body the fact that Marmaduke was under arrest, and asked this body to take such steps as it thought fit, he having no objections to extend his parole, should the Convention so desire. I do not understand that we are called upon to invite Gen. Schofield to send Marmaduke here, nor does it seem the correct view to assume, as gentlemen have done, without, perhaps, intending it, that a man's being under arrest was equivalent to a proof of disloyalty. I am not willing to act upon such an admission; and there is nothing, as yet, before this body but the simple act of arrest. This body is not afraid of the responsibility of asking for an extension of Marmaduke's parole, neither is the Commanding General afraid of the responsibility of permitting him to come here. It appears that the proper course for this body to take will be, that, while recognizing the fact that there have been acts justifying the arrest of Marmaduke, that the Commander is disposed to inquire into the bases of them; but the action of the Convention is clearly different from that of the Commanding General. When Mr. Marmaduke takes his seat it will be the proper time, and it will then be our duty to inquire what his position is, and to take such action as may then be deemed advisable.

Mr. HALL of R. I have no objection myself to adding this resolution to that reported by the committee. The committee, I understand, express themselves willing to accept the amendment proposed, and the additional resolution.

Mr. STEWART. I am surprised at the anxiety manifested on the part of the Union men for a notorious rebel to participate in the deliberations of this body; particularly when the subject to be acted upon is one to which every man who is not a rebel, or an active sympathizer, ought to be opposed. I was still more surprised to see an attempt made to press it through the gag. I do not insinuate that there has been any foul play; but when that motion was made yesterday to press this through under the previous question, I called for the ayes and noes. I had a very substantial reason for so doing, for I take it for granted, and I know it to be the fact, that people in my district, and I believe through the whole State, are opposed to any rebel sympathizer participating in the deliberations of this body. They are satisfied that Marmaduke and several other members ought to be expelled for uttering treasonable sentiments. I therefore asked for the ayes and noes for the purpose of putting myself straight upon the record, and to give an opportunity to those members who have been so anxious to press it through under the gag, to explain their reason. Marmaduke is known to every member of this body as a secessionist, from his expressions upon this floor, and the military were disposed to arrest him at the time. They have done so now for the highest crime against the United States. He is now in the hands of the military, who, I suppose, have good reasons for detaining him. But he now has the extreme modesty to ask this Convention to turn round and invite Gen. Schofield to permit him to come up here to this Convention. Now, if he is in the hands of Gen. Schofield, he has a right to do with him as he pleases, and it would be unbecoming on the part of this Convention to send any invitation for Marmaduke to take his seat in this body. The Commanding General does not give any reason why he is under arrest, but simply says, if it is the wish of the Convention, he shall come up; but, perhaps, some gentlemen here will now wish that a special committee be sent after him as we do when we desire the presence of the Governor of the State. I am opposed to it *in toto*. If, while he is under arrest, the military authorities think proper for him to come up here, let him come; and if they are afraid of violence, let them send a force to protect him. I think if any man votes for that report he will make a very handsome record for himself — at least that is my opinion. I should not at all be surprised if, before this Convention is over, a voice should come up from the people of the different districts to ask for an investigation in the conduct of other members who have not yet been expelled. I remember at St. Louis when a certain gentleman, whom I know to be a rebel, stated in a public speech that he would rather hear the howls of the damned in hell, than Hail Columbia, or the Star Spangled Banner! It was notorious that, in consequence of the speeches he made, a petition

was sent to this body for his expulsion, and when it came up, he appealed to members from that section of country to know whether he was not a more loyal man than I; and declared every abolitionist and every minion of Lincoln ought to be run out of the State. And yet that man is kept in his seat. Marmaduke, in the presence of all of us, made a speech almost as rebellious as that. I do not think we ought to give him an invitation to come. He shall not have my vote.

Mr. BUSH. Mr. President: I cannot view this resolution, in the remotest sense, to be an invitation to Mr. Marmaduke. Could I so regard it, I would certainly not vote for it. But no member is here by invitation of anybody. We have no *right* to *invite*, but only to compel an absent member to attend; we have no right, nor would it be becoming for us to tell any General or Judge that he should prevent a member from attending, although it would be proper to ask for the facts or charges; and in passing on them we have the right and the power to expel any member when there is, in our opinion, good reason for doing so.

It is for the loyal people, if they think themselves misrepresented, or represented by a man unworthy of the position, to ask this body for the expulsion of their delegate, as has been done by the citizens of the Fourth Senatorial District, during our last session. But it seems to me degrading the delegates of the people, clothed with supreme power, to ask of any branch of the Government, civil or military, to keep a member in arrest for our sake—as if we were afraid of his dangerous influence, or afraid to exercise ourselves the powers that belong to *us*. In proof of the correctness of my position, I will read the rules laid down by your ancestors in Parliament, and recognized by Congress to this day:

"And even in case of treason, felony, and breach of the peace, to which privilege does not extend as to substance; yet, in Parliament, a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact, and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege. Otherwise it would be in the power of other branches of the Government, and even of every private man, under pretences of treason, &c., to take any man from his service in the House; and so as many, one after another, as would make the House what he pleaseth." (Decision of the Commons on the King's declaring Sir John Hotham a traitor—4 Rushw. p. 586.) So when a member stood indicted of felony, "it was adjudged that he ought to remain of the House till conviction. For it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime." (Lex. Parl. 133.)

"When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper." (2 Hats. 259.)

You are well aware that I have always differed, *politically*, with the gentleman from Saline (Mr. Marmaduke)—more radically so than with any other gentleman on this floor, and personally he is almost a stranger to me. Nor do I doubt in the least that General Loan had good and sufficient reason for placing him under arrest.

No motives of a personal nature nor political affinity therefore, but just, true Radicalism, which is based on the noblest principles of the Ideal of right, of humanity and justice, impel me to support the resolution of the committee, as amended by my friend from St. Louis; giving however, at the same time, notice, that I will ask, if nobody else offers a resolution to that effect, that the charges and testimony against Mr. Marmaduke be brought before this House and referred to a committee, and that I will vote to expel the member of Saline if the proofs justify such action.

Mr. BRECKINRIDGE. I voted against laying on the table the resolution which came from the committee, because it seemed to me that this was a matter which required direct action by this body. I like very much the substitute which has been accepted by the committee as it now stands. I think, however, sir, that some modification may, with advantage, be made. If allowed, I will read two resolutions which I propose to offer as substitutes for those now before the House—the first for the first, and the second for the last:

Resolved, In answer to the communication of the Provost Marshal General, that the Convention has no desire that Mr. Vincent Marmaduke should be prevented by military restraint from attending its sessions if, in the judgment of the Commanding General of the Department, there is no military reason requiring it.

Resolved, That it is due to the proper dignity of the Convention, that investigation should be had forthwith into the question as to whether Mr. V. Marmaduke has been guilty of such conduct as requires his expulsion, and therefore a Committee of three shall be appointed, whose duty it shall be to inquire into the facts and report the result to this body without delay.

The last resolution, offered by Mr. Hitchcock, admits the same proposition and announces that the conduct of Marmaduke should be inquired into; this, however, puts it in a practical form, and I offer it as an entire substitute for the original.

Mr. HALL of R. I desire to say that that hardly meets with my approbation as well as the original. My friend is one of the smoothest-tongued gentlemen in this House; he gives it a better sugar coating, that is all the difference.

Now, sir, I take these as the facts in the case: that Marmaduke is arrested by the military authority, for what reason I know not; and the Commanding General of this department knows of no military reason why he should not be here. Then, sir, why is he detained? How, sir, do you and I come here? Governor Gamble issued his proclamation ordering us to come; you and I and other gentlemen come here. Why is not Mr. Marmaduke here? Does not the proclamation apply to him? You and I know of no reason except that he is under military arrest. The Commanding General tells us that he knows of no military reason why he should not be here. Then, sir, I say if the Commanding General knows of no reason why Marmaduke should not be here, he ought, as Commander of this Department, to release him and let him come. I can see no other reason; there can be no other reason than a desire to shitt the responsibility; and but for the purpose of obtaining an expressed wish on the part of this Convention that Marmaduke should take his seat, no communication would have been here before this body. It is too apparent—too plain.

I am not here for the purpose of trying Mr. Marmaduke, because there is no charge in this body against him, nor am I disposed to enter any, and say whether he is or is not guilty; but I am disposed to act upon the facts before me, that he is a prisoner, held by military authority, and that military authority says that he knows of no military reason why Mr. Marmaduke should not be here; then, sir, I say that those who hold him under arrest should release him. I am not going to say whether he is or is not guilty of treason. I never heard the man use such language as he is reported to have used, and therefore I am not going to act upon such an assertion until the case is fairly before me. I must insist that this body act upon that which legitimately comes before it; act as statesmen, and not dictate to the military authority what it shall do. I want the gentlemen of this Convention to attend to the wishes of their constituents; and I want military men to do their duty as military men, and not interfere with the business of statesmen; therefore I oppose alike the substitute and the original, I am prepared to vote against all, and I shall certainly take great pleasure in doing so.

Mr. HENDERSON. I desire to offer the following as an amendment to the substitute of Mr. Breckinridge. Strike out all after "Resolved," and insert "That this Convention is not informed as to the alleged causes for the arrest of Mr. V. Marmaduke, a member of this Convention; and in the absence of any knowledge on the subject, the Convention can see no reason why he be not permitted to present himself here, if he desires to do so, in order that any charges of disloyalty alleged against him may be considered by this body."

Gov. GAMBLE. I will state something of the position occupied by Mr. Marmaduke in reference to this Convention. Sometime since he made a written application to me to know whether he would be permitted to attend this Convention, and be protected while here. I neglected to keep his letter; I made an endorsement upon it and returned it; I can, however, state its general purport and my response. The object of the application was to know whether he would be permitted to attend the Convention, and be protected while in attendance upon it. I replied, by an endorsement upon it, that he was a citizen of the United States as well as of St. Louis; that the United States authorities were dealing with him, as I supposed, for some alleged offences against the United States; that I had no control over those who had charge of him, and could not therefore interpose any authority to order his attendance here, or protect him while here; that his application must be made to the United States authorities.

Although Mr. Marmaduke is a member of this Convention, and a citizen of the State of Missouri, he is also a citizen of the United States, and is now under arrest by the United States authority. He thought I was in a posi-

tion in which I could, to some extent, interfere with the United States authority; but I have no power to do so; he is entirely removed from the jurisdiction of the State authorities, inasmuch as he is a prisoner of the United States, for certain alleged offences against its Government; and we, as citizens of the State of Missouri, have nothing to do with the question whether the United States authorities shall let him come here or not. If they are satisfied that, as a citizen of the United States, he is no longer dangerous, I suppose they will release him; but it is not becoming in this body to express a request one way or another as to his discharge.

I have no personal opinion to express concerning Mr. Marmaduke; I care nothing about him or his views, although he was the first of the pack that have for some time been barking at my heels; he was the first to lead off the attack upon me when he was here at the last session of this body. We are to bear in mind the single idea, that as a citizen of the United States he is being dealt with by the authorities of the United States for some alleged offences against its Government, and we have nothing to do with the question of his release or punishment.

Mr. HALL of R. Will the gentleman permit me to explain? The Convention is induced to act upon the subject because the Provost Marshal General requested them to do so. He makes a statement to this Convention representing that the Commanding General of the District had no objection to extending the limits of Mr. Marmaduke's parole, and he addresses this application to the Convention as a matter of courtesy, to preclude the idea of an attempt on his part to facilitate the introduction of an improper member into this body. It was a courteous act, and all we have to do is to reply to it in the same spirit.

Gov. GAMBLE. One of the resolutions seemed like a direct request to the military authorities not to detain him.

Mr. HALL of R. As to the first resolution reported by the committee, I satisfied myself and so did the Convention, that it was proper to let Marmaduke come here, and try him here. If the military authorities had no objections to his coming, we ought not to interpose obstacles. I wrote the resolutions somewhat hastily, and I might, with more thought, have put them in another form, and I now prefer that of Mr. Henderson. But as long as the object is attained—that is, to let him come, if there is no good reason against it—the form is unimportant.

Gov. GAMBLE. I rose simply to put this body in possession of the view I take of the matter—that we should submit to his being dealt with as a citizen of the United States; but that could he, consistently with the interests of the United States, come here, we have no objection.

Mr. HOWELL. I move to amend the substitute by striking out the second resolution. This question has been thrust upon this body by the Commanding General of this Department and the Provost Marshal General, without any request on the part of this body whatever; nevertheless it has been respectfully and kindly done, and now it is for this body to act. Mr. Marmaduke's arrest was a military one, and doubtless for wise military reasons, and those reasons still exist. But while it would be improper, in the estimation of Gen. Schofield, to discharge him, the reasons which led to his arrest and detention do not preclude the extension of his parole to this city. All, therefore, we have to do is to say that, if there are no military reasons to forbid his being here, let him come, and as for his political offences we will manage them. I think the resolutions offered by Mr. Hitchcock, as well as those by Mr. Henderson, arrive at these conclusions exactly as we should do.

Mr. LEEPER. It appears to me that there are particular reasons why Marmaduke should not come here at all. He is under arrest by the military authorities of the United States for treasonable conduct, and I am opposed to his coming here. Personally, I have no ill feelings towards him at all. I think as much of him, personally, as I do of any rebel in the State. I even admire Marmaduke in one respect, and that is for his frankness. He is a rebel and he says so, and that is better than professing to be a loyal man and to be a rebel at heart. But when this matter comes up to the desk, I claim to know something about Marmaduke, perhaps accidentally, and I know he has been arrested for treasonable conduct. I therefore do not want Marmaduke here to sit in judgment upon the affairs of the people of Missouri, and shall vote against his coming into this body at all.

Mr. HOWELL. The gentleman makes a statement of fact which might probably induce me to vote against Marmaduke sitting here; but I object to our acting against any man as a civil body upon the motion of the military, which, I think, has shown a disposition to disconnect

itself from its proper sphere of duty. I think, sir, the motion I made should be adopted, and if any member here has sufficient facts in his possession to authorize an inquiry into the fitness of Marmaduke's holding a seat here, I will vote for an inquiry of that kind.

Mr. BRECKINRIDGE. Do I understand that the proposition of the gentleman from Monroe (Mr. Howell) is simply to strike out the last resolution?

Mr. HOWELL. That is my proposition, sir.

Mr. BRECKINRIDGE. Then the gentleman's object could have been accomplished just as well by asking for a division of the question. I hope the motion to strike out will not prevail. It seems to me, as the matter stands, that one resolution is the proper complement of the other.

The Commanding General of the Department, through the Provost Marshal General, advises us of the fact that one of the members of this body has been arrested on charges of disloyalty, and is now held under military restraint. He does not advise us further of the grounds of his arrest and detention; but being actuated by a desire not even to seem to be willing unnecessarily to interfere with the action of this body—considering it to be fully competent to deal with a question of this kind; and, on the other hand, not wishing to thrust upon it a man of suspected loyalty and already under military restraint—he simply informs us that there is no military reason why his parole should not be extended so as to permit him to take his seat in this body, if the Convention should so desire, or should have no objection. I think great courtesy is shown in thus submitting the matter to this body; and certainly it is due, not only to the General, but to our own dignity, that some response should be made.

This being the state of the case, it is proposed in the first resolution to state as concisely as possible that the Convention has no desire that Mr. Marmaduke should be prevented by military restraint from attending its sessions if in the opinion of the Commanding General no military reasons require it. We are not advised, we do not know, what the charges against him are. There are decided imputations upon his loyalty, and strong suspicion exists that he has been guilty of treasonable utterances and actions, and we know that he has been arrested; still we do not *know* of anything which would afford a proper basis for action in expelling him, nor can we possibly declare him innocent. This body confident of its own thorough loyalty, and intending to purge itself of any members who by their disloyalty have become unfit to occupy seats in it, still must assert its right to pass upon the qualifications and privileges of its own members, and does not need any extraneous aid to do this.

So much for the first resolution. Now as to that which it is proposed to strike out.

That proposes simply the appointment of a committee, which shall investigate and report whether Mr. Marmaduke should be expelled for disloyal practices. As the case stands, one of our members has been publicly charged with treasonable conduct. We know that he has been so charged, and that he has been arrested by the military authorities. This is a matter of general public knowledge. Surely we cannot properly refuse to investigate his conduct, and, if he is found guilty, expel him.

First, we declare that we have no wish, unless military reasons require it, that military restraint should be exercised to prevent his coming to take his seat; then, as it seems to me, we should accompany this declaration with appropriate action for ascertaining forthwith whether, if he should come, he shall be permitted to sit, or shall be expelled—self-respect absolutely requires this also.

The two resolutions should be adopted together. The one declaring that we do not wish Mr. Marmaduke to be restrained from coming, except it be considered desirable for military reasons; the other, that we will—as charges have been made which, if true, require his expulsion—immediately investigate them, and, if sustained, promptly and sternly punish him by expulsion.

I hope the motion to strike out will not prevail, and that both the resolutions will be adopted.

Mr. HOWELL. If the gentleman from St. Louis will submit that resolution as an independent proposition to the one this body proposes to submit to the Provost Marshal General, or the authorities of the United States, and will state upon his responsibility that he has reasons for believing him guilty of disloyalty, I am willing to vote for a resolution that a proper inquiry be made into the conduct of Mr. Marmaduke. I am not disposed to interfere with the military affairs of the State, and I protest against any and all interference on the part of the military authorities with the affairs of this Convention, or with the *status* of any member of it.

Mr. HALL of R. Permit me to suggest that the only purpose of our action now is a response to the letter of the Provost Marshal General. The first resolution of the gentleman from St. Louis seems to be a full response, and the second would be improper, as it proposes action upon a contingency that might never arise.

Mr. BRECKINRIDGE. I have tried to show why I thought it due to the proper respect of this body that these two resolutions, or some resolutions embodying the same ideas, should be adopted together. I think, too, if the military authorities are disposed to extend Mr. Marmaduke's parole, and if he is disposed to come, that a proper time should be given him to prepare his defence.

Mr. HITCHCOCK. I shall oppose the striking out of this resolution, and shall support the substitute as offered by my colleague, (Mr. Breckinridge,) preferring its terms, on consideration, to the hastily drawn amendments suggested by myself to the resolution reported by the committee.

Certainly some appropriate response should be made to the communication of the Provost Marshal General. I concur in the approval which has been expressed of the spirit and purpose of the Commanding General of this Department as manifested in that communication, and as further elucidated on this floor by my colleague, the Provost Marshal General.

The General commanding has not, it appears to me, avoided or sought to avoid any responsibility which belongs to him, nor sought to throw any upon this Convention. He has his responsibilities, and we have ours. He has acted in a very becoming and considerate spirit; and I desire that this body shall recognize and meet all the responsibilities which belong to it.

I cannot agree with gentlemen who fear lest, in responding to that communication under the substitute now before us, we shall put ourselves in the position of "inviting" or expressing anxiety for Mr. Marmaduke to take his seat; though, under the circumstances, I am not surprised at the feeling they express. I certainly sympathize with their feeling so far as it manifests an unwillingness on their part to sit in council with a disloyal man. But this substitute contains no such "invitation," even if proof had yet been made before this body, which, it is admitted, had not been, of Mr. Marmaduke's disloyalty in fact. I do not speak now of the impressions or belief of members, but of proof upon which this body has a right to act.

Gentlemen seem to me quite to misconceive both the purport and the propriety of these two resolutions. In my opinion, they should go together, and taken together they meet the whole case. The first is a proper response to the Commanding General. It states—and with reference, of course, to the amount of information now before the Convention—that this body has no desire that one of its members, who has signified his desire to take his seat, and for whose detention—or rather against the enlargement of whose parole to this city—we are informed no military reason exists, should be prevented by military force from attending its session. This much—not for Mr. Marmaduke's sake, but for its own, and for the sake of the people of Missouri whom in part he represents so long as he remains a member—this body certainly ought to say; and if the case were one involving any wrongful interference with the privileges of any member, it ought to and would go further. But there is no such interference; on the contrary, the Commanding General states that he will not prevent Mr. Marmaduke's attendance, unless there be objection to it by the Convention itself. And since it is admitted on all hands that no sufficient reason has yet been laid before this body to justify it in desiring that his attendance be prevented, it is exactly right that this response be made.

But while it is true that we are not justified by anything yet before us in responding otherwise, yet the fact is before us that Mr. Marmaduke is under arrest for disloyalty, though permitted to go on parole. And it is precisely because this Convention is a loyal body, and because I share in the sentiment of those who oppose what they consider "an invitation" to Mr. Marmaduke to take his seat, that I desire the second resolution to stand. That fact, as I have said, is not of itself any proof that he is guilty of disloyal conduct, nor has any proper evidence been presented here that he is not entitled to his seat. This is admitted on all hands; and this being so, this Convention cannot assume to treat Mr. Marmaduke as guilty of disloyalty, either directly or indirectly, without—to say the very least—forgetting what is due to itself as well as to him. But that fact, thus officially laid before us, as well as the statements made here to-day, do require this body to assert its own purity and dignity in examining for itself whether Mr. Marma-

duke is in the position of a disloyal citizen of the United States. This Convention leaves it to the United States authorities to deal with citizens of the United States charged with disloyalty to their Government. But this Convention ought no less, while declining to condemn or to exclude any member without due and impartial inquiry and proper proof, at the same time to recognize the gravity of the charge upon which this arrest has been made, and for its own sake to express its purpose of inquiring into the conduct and position of a member desiring to take his seat here under the circumstances of this case.

Mr. BIRCH. I desire to add to the first resolution — and it contains an explanation of my vote — "but if the Commanding General of this Military Department is in possession of any facts or circumstances which shall militate against his 'privileges' as a member of this body, as to render it proper that they be inquired into, he be respectfully requested to communicate them accordingly."

The PRESIDENT. The question is upon striking out the second resolution.

The ayes and noes being called for by Mr. DRAKE of St. Louis, the result was — ayes, 39; noes, 34.

Mr. COMINGO. I propose to amend as follows:

"*Resolved*, That from present information, this body knows of no reason why Mr. Vincent Marmaduke should not take his seat as one of its members."

Mr. DRAKE. I will state that since I came to this Convention I have had a conversation with Gen. Loan concerning Mr. Vincent Marmaduke, and Gen. Loan stated to me that Marmaduke was a prisoner of war, and not a man arrested for mere disloyalty. He further stated, that when in this city, some time ago, Mr. Marmaduke had applied to him for an extension of his parole, to attend the session of this Convention, which he had refused. Gen. Loan stated that Marmaduke had said to him that he was a secessionist, and that he expected the Southern Confederacy to establish itself, and that he was just waiting for that event. And now, sir, if the Convention, after having these facts stated to it, can pass the resolution offered by the gentleman from Jackson (Mr. Comingo), they are welcome to do it, so far as I am concerned.

Mr. COMINGO. The first resolution is a full and complete answer to the letter of the Provost Marshal General, and that is all we have to do with at present. I withdraw the amendment.

Mr. HENDERSON. I desire to ask the gentleman from St. Louis (Mr. Drake) if he supposes mere hearsay testimony from Gen. Loan sufficient evidence for this body to act upon in reference to the rejection of one of its members?

Mr. DRAKE. I will say to the gentleman from Pike that I certainly should not consider it so; but that I should consider it enough to prevent this Convention passing the resolution of the gentleman from Jackson, to which alone I addressed myself, and which has now been withdrawn. But I will state further, for the information of the gentleman from Pike, that the report of the Committee in the case of V. Marmaduke, was based, as the chairman of the committee himself stated in the presence of the Convention, simply upon a conversation which a member of the committee had in the lobby of this hall.

Mr. HALL of R. I told the gentleman that my conclusion was altogether independent of that. It is on a matter of law, independent of the facts, and is simply this, that if the Commanding General has no objection to letting Mr. Marmaduke come here, and that is all he undertakes to say; that when he comes will be the proper time to make an investigation of this nature, or we may make it before, if we choose. The matter now before the Convention is simply the response to the application of the Commanding General, that if he has no objection, we make none. Although I stated what I did in connection with this thing as a reason for the course taken, yet, on reflection, I will state it was not a matter that had anything to do with our response in this case. I did state the conversation with Gen. Price, and acting, as we did, somewhat hastily, I made that explanation; but I consider now that we are acting upon the question, aside from the merits of the arrest, and I am not now inclined to undertake to pronounce judgment, or to give any indication as to what conclusion I may ultimately come to when the case is more fully investigated.

Mr. DRAKE. I ask that the report of the committee be read.

The report of the committee having been read by the Clerk,

Mr. DRAKE continued. Look at the case as it now stands before this body. The whole attempt to throw the responsibility for the detention of Marmaduke upon the Commanding

General or the Provost Marshal General is based upon that report of the committee, which says that, upon investigation, *they can find no reason* why Marmaduke should not be permitted to take his seat here; and the chairman of that committee stated, when the report was made, that all the investigation that that committee made was a talk with Gen. Price of Jefferson City about the matter.

THE PROVOST MARSHAL GENERAL AND GENERAL PRICE.

Mr. HALL of R. The Provost Marshal General referred me to Gen. Price. The result of the conversation I stated to this body.

Mr. DRAKE. From conversation with the Provost Marshal General, who was installed in office only one week ago, who knew nothing of the previous circumstances, and who probably had not investigated the matter at all, and by referring him to Gen. Price, a resident in Jefferson City, who knows nothing about it at all, we are called upon to declare that there is no reason why Marmaduke should not be permitted to take his seat here! Now, Mr. President, I take leave to say that, if there was in the jail of St. Louis a member of this Convention, indicted for a high offence, and the jailor should send word to us that he was willing to send that individual here to attend the sessions of this Convention, sending a guard along with him so as to take care of him, we would be as much justified in sending a request to that jailor to bring him here, that we saw no reason why he should not bring him here, as to send such a request in the case of Marmaduke. The case is parallel; for take it in any way you please, the arrest of the man for disloyalty, and his being in the custody of the military authorities as a prisoner of war, is *prima facie* evidence that there is something against him. Now, you are going to pass by all this and disregard entirely that a *prima facie* case is made out against Marmaduke, and to send an invitation, couched in courteous language, and practically an invitation to Gen. Schofield and Provost Marshal Broadhead to allow Mr. Vincent Marmaduke to come here and take his seat in this Convention, though he is now, as Gen. Loan declared to me, in custody as a prisoner of war. I refer to my first position. I will vote against every proposition which goes to do an act of that kind on the part of this Convention; particularly will I vote against it now, since the resolution of my colleague, based upon the fact of Marmaduke's being in military custody, has been struck out and rejected by this body, and which admits, by that vote, practically, that before it will institute any investigation into Marmaduke's case, that somebody shall stand upon this floor and make an averment against Marmaduke, which shall be the basis of our action.

Mr. ORR. Will the gentleman allow me to ask him a question?

Mr. DRAKE. No, sir, I will not. [Laughter.] I have stood on this floor years before, in another body, and I know well the drift of the question to be asked. I do not allow questions to be asked of me while I am speaking. Now, sir, (addressing the President,) as one of the junior members of this Convention, I make no assumption to teach my seniors in service here; but, sir, due respect for the dignity of this body, representing as it does the entire people of the State of Missouri, demands that we should not, under any circumstances, call for the release of a prisoner of war from the custody of the military authorities, that he may come here to attend this Convention. Why do not gentlemen go to Marion county, or send a request to the Provost Marshal General to send another member here from that county? concerning whom I saw it stated in the papers that he was confined to Marion county by the terms of his parole, and therefore could not attend the Convention. And, sir, why do not gentlemen go further South, or into the bush, and find even Southern rebels, and invite them to come here and attend the sessions of this Convention? You have 76 out of 99 members here—more than you have had since the first meeting of this Convention, if I am not mistaken; and are there not enough here to do the work of the great State we represent? Are there not enough here to kill emancipation or to smother it? Are there not enough here for all the exigencies of the State, or even of party, but we must send an invitation upon the lightning wings of the telegraph to Mr. Vincent Marmaduke to make up the complement of the conservators of the interests of Missouri? Sir, I would die in my seat before I would do it.

Mr. SOL. SMITH. I think this matter may be settled without any manifestation of passion; nothing was ever gained by that, that I ever knew. Whether Mr. Marmaduke is a rebel or a true and loyal man, is not for me to decide; but one thing I know, and that is, that I never can be brought to vote for asking any military authority, or any other authority, to send him here. When I say that, I do not wish to prejudge his case, but simply that the

man's sentiments, as expressed in this body at former sessions, were such as to make his presence here anything but desirable. I shall vote against the resolution of my colleague from St. Louis (Mr. Breckinridge), for the same reason that I voted for rejecting the resolution offered by the gentleman from Jackson (Mr. Comingo), to-wit, that no action is required, in my opinion, on the communication of the Provost Marshal, except returning a respectful answer declining to interfere in any way with the matter of Mr. Marmaduke's arrest. I expect to vote against all propositions now before the Convention on this subject. If Mr. Marmaduke has committed any offence cognizable by the military authorities, let the military authorities deal with him; and when the matter is settled, if he is acquitted, he will be allowed to come and take his seat without hindrance. One thing is certain, I shall never vote to *invite* him here, nor to invite the Commanding General to permit him to come. Entertaining the sentiments he does, expressed freely, and almost insultingly, at the last session of this body, he is not a member I should particularly desire to see in his seat; yet I would not lay a straw in his way if he should come and claim it. He has a right, I suppose, to assert (as he did) that this Convention has, in nearly all its actions, gone counter to the sentiment of the people of the State. From his language, which is on record, though somewhat modified by the kindness of the Reporter, we were not left in doubt, at least *I* was not, as to his opinion of our actions here, the most important of which was deposing the traitorous Gov. Jackson and his pliant tools, the Legislature. It was very plain to me that he considered a majority of us usurpers of the worst kind, and that he wished a restoration of the deposed dynasty. Yet, if he were to come here and claim his seat, unless charges were brought against him and his disloyalty proved, he should have his seat.

Mr. President, it is not our province to interfere in any way with the arrest and detention of Mr. Marmaduke by the military authorities. When *they* have done with him it will be time enough for us to inquire into the loyalty or disloyalty of that member, should charges be brought against him. If it shall so happen, in the course of these proceedings, that I can offer a resolution embodying my views, I propose to do so; at present I shall content myself with voting against all action looking to interference on behalf of the absent members.

I have drawn up a resolution which it would not be in order to offer now, but which I propose to here read for information. [No objection being made, the resolution was read:]

"*Resolved*, (in answer to the communication of the Provost Marshal concerning the arrest, detention and paroling of Vincent Marmaduke,) That this Convention has no wish to express, nor any request to make, to the military authorities, touching their action in the premises, preferring to leave the whole matter in the hands of the Commanding General of the Department, where it properly belongs."

Mr. ORR. I have no disposition to inflict a speech on this Convention; I simply wish to stand properly before the Convention. I understand that each member who is not excluded stands here upon an equality; that all who are permitted to be here by the tender mercies of bayonets, are here unconvicted and uncharged with any offence, and stand here upon an equality; and I will do this Convention the justice to say that there never has been a body of men assembled in this State that displayed a bearing and courtesy more admirable than this Convention. Notwithstanding this, I take the liberty of saying, and I hope it is no violation of parliamentary rules, that a man is no gentleman who will ask any favor which he is not willing to grant to a fellow-member. I got up here to ask the gentleman from St. Louis a question; it was a civil question, and was asked for information. He said, "No, sir; I will not be interrupted;" when but a few minutes before he had interrogated another gentleman on several occasions, and yet objected to that gentleman's interrogating him. Why cannot I be treated with the respect that he was? If I understand the gentleman aright, he stated to this Convention and to the world that the simple fact of a person being under military arrest was *prima facie* evidence that he was guilty of some crime.

Mr. DRAKE. I did not say that.

Mr. ORR. If the gentleman did not say that Vincent Marmaduke's arrest by Gen. Loan was *prima facie* evidence of his guilt, then I misunderstood him.

Mr. DRAKE. In due time I will repeat what I said.

Mr. ORR. I do not think there is a doubt about it. I am under no obligation to defend Marmaduke; but the Commander selected for taking charge of the defence of this department says there is no charge against him, and the Provost Marshal General says if there is a wr

ten charge against him, he does not know of it. It is, therefore, the duty of the Commanding General to let him come here, and, if there is anything against him, let his case be heard; and this Convention has conscience enough and is willing to do its duty in the case. This Convention has been acting for the preservation and laws of this country, and it has in it some of the best lawyers of the State of Missouri, and it is not exactly in accordance with its dignity to condemn a member of the body on a *prima facie* case of *hearsay* of something, that somebody told somebody else, when the accused might come here and defend himself. One said there were no charges against him; another said he was a secessionist; and Oliver Cromwell Loan, the man who arrested me without charge, that he might strike terror into the hearts of the slave owners, he is a competent witness; let him come here upon the stand, and if he proves that Vincent Marmaduke is guilty of anything that prevents his acting as a member of this body, I should be in favor of turning him out by a *prima facie*. [Laughter.]

Mr. DRAKE. I beg leave to trespass one moment on the patience of this Convention. The gentleman from Green has seen fit to use offensive language towards me personally. I beg leave to say that this is the first occasion, since I took my seat here, that anything of the kind has been done, and I wish the gentleman from Green, and every other gentleman, to understand that I shall take no sort of notice of that description of language when used concerning me. I shall endeavor, sir, to give no provocation for using any harsh language towards me, and I shall, hereafter, make no response, under any circumstances, to any such language. Then gentlemen can go on *ad libitum*. So far as regards the manner of my response to the gentleman from Green, I have simply to say, that the manner of my response happened to be the manner in which I was speaking at the moment. If in the impetuosity of the moment I responded to the question of the gentleman from Green in a manner that was deemed disrespectful to him, I take great pleasure in begging his pardon for it. It certainly was not my intention to give offence; and if the gentleman had known me longer, or had seen me under circumstances of this kind, he would have known I had no such intention. As to the statement which the gentleman from Green gave of my remarks, I do not think the Convention will bear the gentleman out that I said that the arrest of a man and his detention by the military authorities was *prima facie* evidence that he was guilty of some crime. I stated before, what I still consider to be the fact, that Marmaduke's being under arrest, was *prima facie* evidence of a *ground* for his arrest; and I say you cannot deal with a military arrest on any other ground than that. You must consider, if you sustain the authorities of the country, that when a man is under military arrest, it is *prima facie* evidence that there is some ground for it; not that he is guilty, not that he would be convicted before a military commission, or before a general commanding, or provost marshal, or civil tribunal; but there is *prima facie* evidence that he has been guilty of some offence.

Mr. ORR. Is not that what I said?

Mr. DRAKE. You stated that I said that his arrest was *prima facie* evidence that he was guilty of some *crime*. Crime is an offence, but every offence is not a crime; there is a wide difference. Believing that the subject has been fully discussed, and not knowing that any other gentleman wishes to discuss it, and believing that it is inconsistent with the dignity of this body to be spending time over a matter of this kind, I move to lay the whole matter on the table, and call for the ayes and noes.

Mr. ORR. The gentleman said, if I understood him, that I had used offensive language towards him.

Mr. DRAKE. The gentleman from Green, in his remarks, said that no man was a gentleman who would do that to others which he would not let others do to him; and then pointing to my colleague, said that I had questioned him while he was speaking, but would not allow the gentleman from Green to question me. I regard that as personally offensive.

Mr. ORR. I certainly said that. The gentleman said he did not intentionally design to wound my feelings or to commit any wrong towards me. If that is the fact, I say that he or any man is incapable of offending me when he does not intend doing it.

The Convention refused to lay the matter on the table by the following vote: Ayes, 27; noes, 44.

On motion, the Convention adjourned to 3 o'clock P.M.

AFTERNOON SESSION.

Convention met at 3 o'clock.

THE CASE OF V. MARMADUKE.

Mr. BRIDGE. I rise for the purpose of asking that the vote objecting to the second resolution offered by the member from St. Louis be reconsidered. Decided in the negative.

Mr. S. SMITH. I beg to offer an amendment, striking out the first resolution, and inserting the following in lieu thereof:

"*Resolved*, In answer to the communication of the Provost Marshal General concerning the arrest and detention of Vincent Marmaduke, that the committee has no wish to express nor any request to make to the military authorities touching their action in the premises, preferring to leave the whole matter in the hands of the Commanding General of the Department, where it properly belongs."

Mr. STEWART. I call for the reading of the letter of the Provost Marshal General. I desire that letter to be read simply to satisfy this Convention that they were laboring under a mistake all the morning. It has been supposed, and has been stated here, that that communication states there is no military reason why Marmaduke should be in custody; it says no such thing. There is not one word said as to whether he is guilty or innocent; but it is merely a statement made to this Convention, that if they wish Mr. Vincent Marmaduke to take his seat in this body, the Commanding General has no objection, and that his parole shall, for that purpose, be extended to Jefferson City.

Mr. DRAKE. I move to call the House; there are probably twenty members of the Convention not here.

The House was called, and 72 gentlemen answered to their names.

On motion of Mr. SMITH of St. L., further proceedings under the call were dispensed with.

Mr. BIRCH. I should be gratified if I could vote for the amendment of my friend from St. Louis, and that we could thus get rid of the subject here and hereafter; but, from an attentive hearing of the last reading of the letter from Mr. Broadhead, it seems to me that Gen. Schofield has very deferentially left the matter to us. If we allow Mr. Vincent Marmaduke to come and take his seat here again, subject to any course this House may inaugurate, the Commanding General has no objection. It simply remains, then, for us to decide whether we will permit him to come amongst us and vindicate himself, if he can. I would therefore desire, at the proper time, to offer the following as an amendment:

"If, however, the Commanding General of this Military Department is in possession of such facts or circumstances as to militate against his privileges as a member of this body, and to render it proper that they be inquired into, he is respectfully requested to communicate them accordingly."

As a friend—for I have known him and his family since manhood—I want him to have the opportunity of vindicating himself, of confronting his accusers face to face, as I once claimed for myself; and if it shall be found that he has done anything whatever to impair his privileges as a member of this body, let him come here and stand, peer amongst peers, and vindicate himself, if he can. I shall offer this amendment at the proper time.

The PRESIDENT. The question is on agreeing to the amendment offered by Mr. Sol. Smith to Mr. Breckinridge's substitute.

Mr. BUSH, in explanation of his vote. It would be strange if we should refuse to act as judges in this matter concerning the conduct of a member of this body. As the motion to reconsider it has been voted down, and as I deem it essential that we say to the Commanding General that we have no objection to Marmaduke coming here, that we may investigate the matter for ourselves, I shall vote *no*.

Mr. COMINGO. If I understand aright, the substitute as offered by the gentleman from St. Louis, (Mr. Breckinridge,) the substance of it is that we have no desire to exclude Mr. Marmaduke from his seat. If we refuse to pass that resolution, or vote for the amendment offered by his colleague from St. Louis, (Mr. Smith,) we say that we have a desire to exclude Mr. Marmaduke from his seat, though we have not sufficient cause for it. Believing it to be the fact that we have no legal cause for excluding him from his seat, and that such a course would blacken the journals of this Convention, I vote *no*.

Mr. FOSTER. I desire to say, that on a direct vote I am prepared to vote *no* upon any proposition that squints at an invitation to Mr. Marmaduke to take a seat in this Convention, knowing his proclivities as I do; but I like the substitute better than the original, and I shall therefore vote *aye*.

Mr. HITCHCOCK. There is no man more ready than I to vote upon any proper proof before me, for the due punishment of any member who has forfeited his privileges; but it is not a proper disposition of this question to refuse to look into it, and throw it back upon the Commanding General. We ought to be the judges of our own members, and therefore I am bound to vote *no*.

The vote was taken and the amendment rejected.

Mr. BIRCH offered his amendment, which was read and agreed to.

The question then was upon the substitute offered by Mr. Breckinridge as amended by Mr. Birch.

Mr. BRECKINRIDGE. The resolution under consideration, Mr. President, is one of the two offered by me. I have already given my reasons for desiring both of them to be adopted, and I regret very much that it has been the pleasure of the Convention to strike out the second. I have conversed with a number of the gentlemen who voted to strike it out, and find there were two prevailing reasons for their action. Some objected to it because they thought it improper to incorporate into our answer to the communication of the Provost Marshal General, a resolution looking to the investigation of charges against one of our own members; others, who objected to it because they deemed it desirable that Mr. Marmaduke should be present, or should have opportunity to be present, when an investigation into his conduct is had by a committee of this body.

Being assured by a sufficient number of those who voted to strike out, that they will support such a motion, if hereafter offered, as an independent proposition, and they being satisfied that the Convention will raise a committee to inquire into Mr. Marmaduke's conduct, which I think, after all that has occurred, the self-respect of this body requires, I vote *aye*.

Mr. HITCHCOCK. For the same or similar reasons mentioned by my colleague, I vote *aye*.

Result of the vote: Ayes, 49; noes, 24.

Mr. HITCHCOCK offered to amend by inserting after the word "desire" the following: "upon the facts yet properly laid before this body." This Convention is not, as a body, in possession of evidence which justifies it in expressing an opinion that Mr. Marmaduke ought not to have a seat here. I wish to draw a distinction between evidence of disloyalty and mere hearsay statements. The facts which have been stated here by my colleague and others, have been hearsay statements; and it is in that view I wish to say that this body is not at present advised in such a manner as is due to its members, and as would justify it in expressing any other opinion than that, if no military reasons prevented, we do not, as at present advised, know of any reason why Mr. Marmaduke should not be allowed to take his seat in this body.

Mr. STEWART. The proposition as it now stands suits me better than it did this morning; but I consider that resolution and the report of the committee as a direct invitation for Vincent Marmaduke to come to this Convention and participate in its proceedings. It is an invitation to General Schofield to send him here; and that I consider beneath the dignity of this body. The most objectional feature of it has been struck out, but I shall nevertheless vote *no*.

The PRESIDENT. The question is on the passage of the substitute, with the amendment of the gentleman from St. Louis, (Mr. Hitchcock.)

The result was: Ayes, 48; noes, 26.

Mr. GANTT. Having voted *aye*, I now move to reconsider the vote just taken, and lay the motion on the table. Carried.

Mr. BRECKINRIDGE. I now offer the following resolution:

WHEREAS, this Convention has been informed that Vincent Marmaduke, a member of this body, has been charged with disloyalty; therefore,

Resolved, That it is due to the proper dignity of the Convention that investigation should be had into the question as to whether Mr. Vincent Marmaduke has been guilty of such conduct as requires his expulsion; therefore, a Committee of three shall be raised, whose duty it shall be to inquire into the fact and report the result to this body forthwith.

Mr. HALL of R. I shall not vote for that resolution for two reasons. In the first place, if Marmaduke comes here, I do not know that there will be any necessity to vote for it; and in the next place, the fact that one gentleman has been charged by another with disloyalty is not sufficient reason for the appointment of a committee. Gentlemen use the words *loyalty* and *disloyalty* somewhat too freely on this floor; and if we are bound to go into committee where one member charges another with dis-

loyalty—a word with so indefinite a signification—the whole time of the Convention may be taken up with this kind of investigation. I shall, therefore, vote against this proposition.

Mr. GRAVELLY. I have during the whole time determined, for myself, to interfere in no way, by my vote, with the condition of Mr. Marmaduke as a prisoner in the hands of the Major General commanding this Department. I shall therefore vote *no*.

Mr. ORR. I cannot vote for the resolution proposed by Mr. Breckinridge for the appointment of a committee to investigate the case of Mr. Marmaduke forthwith, since I understand the resolutions just agreed to requires General Schofield to furnish this Convention with the charge against Mr. Marmaduke; and since it is apparent that Mr. Marmaduke will be here soon, I want to see the matter investigated; but I want the charges from the General, and I want Mr. Marmaduke to have a chance to make his defence before this Convention. I therefore vote *no*.

Mr. GANTT. I cannot vote for the resolution, because I think it is premature, until we get Mr. Marmaduke before us. When he is here, I will vote for an investigation as willingly as any man.

The resolution was carried by the following vote: Ayes, 52; noes, 25.

Mr. BRECKINRIDGE. In accordance with parliamentary usage, I may be appointed chairman. I desire, Mr. President, that some other member may be appointed chairman; not that I am unwilling to incur the labor, but, after the part I have taken, I do not think it would be exactly proper.

Mr. HOWELL then moved a reconsideration of the vote just taken, which was agreed to.

A motion to amend by striking out the word "forthwith," was offered by Mr. HOWELL, which was agreed to; the vote being: Ayes, 35; noes, 16.

The resolution as amended was passed.

WESTMINSTER COLLEGE TRUSTEES.

A petition from the Trustees and officers of Westminster College, praying for an extension of the time allowed for taking the oath of allegiance, was presented by Mr. FLOOD.

Mr. FLOOD. It will be recollected that the Legislature, on the 23d of March, passed a law requiring all Trustees of Institutions to take the oath of allegiance. A knowledge of the fact did not reach the Trustees until the very day the term expired; it reached them on the 31st, and the time expired on the 1st day of April. They wish the time extended, so that they can grant diplomas to the students. I would suggest that a Committee of three be appointed to take the case into consideration.

Messrs. Flood, Hitchcock and Vanbuskirk were appointed.

ON EMANCIPATION.

Mr. BAKER introduced the following ordinance, which was read and referred to the Committee on Emancipation:

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION, AND FOR THE EMANCIPATION OF SLAVES.

WHEREAS it is contrary to the spirit and genius of a free government for involuntary servitude, except for the punishment of crime, to continue, or to exist therein; therefore,

Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abolished.

Sec. 2. From and after the first day of January, A. D. eighteen hundred and sixty-four, slavery and involuntary servitude, except for crime, are abolished; and all persons who, upon that day, may be held in bondage in this State, as slaves for life, are hereby declared forever free.

Sec. 3. It shall be the duty of the county courts of the several counties, on the first Monday of January, eighteen hundred and sixty-four, to apprentice the children of such persons as may become free by the provisions of this ordinance, who may, upon that day, be under the age of twenty-one years: *Provided*, that the owners of said children, previous to the first day of January next, shall have the preference over all others in taking such children as apprentices; said apprenticeship to continue till such children arrive to the age of twenty-one years respectively.

Sec. 4. The county courts apprenticing such children shall require parties applying for, or who may be entitled to the indenture, under the provisions of this ordinance, of children and persons to be

apprenticed, to give bond, with two or more good and sufficient securities, severally, in the sum of one thousand dollars, conditioned for the full and faithful performance of the obligations imposed upon them by such indentures, as well as by any future enactments of law, as the master or mistress of such indented persons.

Sec. 5. It shall be the duty of all persons holding indentures by virtue of this ordinance, in addition to feeding, clothing and humanely treating such persons during the term of their apprenticeship, to teach them a practical knowledge of some useful and laudable trade or calling, as well as to teach and educate them to read and write: *Prbvided*, such persons, after a sufficient trial, may be found capable of being so taught and educated.

Sec. 6. Any person or persons to whom such indentures are made, or who may hold the same under the provisions of this ordinance, who shall remove such persons so apprenticed from the State, during the term of their apprenticeship, shall be guilty of a forfeiture of his or her bond; and any person or persons who may remove persons so apprenticed from the State, without the will or consent of their masters or mistresses, shall be guilty of a misdemeanor, punishable with fine and imprisonment, at the discretion of the court having cognizance of the case.

Sec. 7. Indentures made under the provisions of this ordinance may be made assignable by the party or parties to whom they were originally made, as well as by the assignees holding such apprentices, under the provisions of this ordinance, to be approved by the county courts of the counties in which the same may have been made.

Sec. 8. Children born of persons during the term of their apprenticeship shall be provided for and taken care of, until the mother of such children becomes free from her indenture, by the master or mistress of such mother.

Mr. ORR offered the following:

"*Resolved*, That the Committee on Emancipation be requested to take into consideration the propriety of furnishing each negro, when freed, a poor white man to work for him."

Which was afterwards withdrawn.

On motion of Mr. HALL, the Convention then adjourned till Thursday morning at 10 o'clock.

FOURTH DAY.

JEFFERSON CITY,
Thursday, June 18, 1863.

Convention met at 10 o'clock.

President in the chair.

Prayer by the Chaplain.

Journal of yesterday's proceedings read and approved.

Messrs. How, Prewitt and Rowland were appointed by the President as the Committee on the resolution of Mr. Breckinridge, adopted yesterday.

Mr. FLOOD offered the following resolution:

Resolved, That the following consideration should be embraced in any system of emancition adopted in the State of Missouri.

1. That no slaves should be freed over the age of 50 years.

2. No slaves under fifteen years old should be freed (without the consent of the owner) until said slaves arrive at the age of twenty-five years.

3. No slaves should be freed without the consent of the owner between the ages of fifteen and forty years old, until they have served their owner or owners ten years.

4. No slave over forty years old should be freed (without the consent of the owner) under five years from the passage of any ordinance of emancipation.

5. No slave should be freed (against the will

of the owner) without reasonable compensation being paid said owner.

Referred to the Committee on Emancipation.

ON THE REPRESENTATION OF THE 27TH SENATORIAL DISTRICT.

The following preamble and resolution was offered by Mr. McClurg:

WHEREAS an election has been held by the people in the Twenty-seventh Senatorial District for the election of a member to this Convention to fill the vacancy occasioned by the "removal from the State" of the Honorable J. Proctor Knott, and for the purpose of obtaining from the people an expression, in a quiet and an orderly manner, upon the great questions now agitating the public mind; and whereas Dr. Bernard Bruns received not only a majority of, but all (*nine hundred and fifty-five*) votes cast at said election; therefore,

Resolved, That a Special Committee of three be appointed to investigate and report upon the facts connected with said election, and the reasons why Dr. B. Bruns should or should not be admitted to a seat in this Convention.

Mr. MCCLURG. Mr. President: I rise for the purpose of asking this Convention the adoption of this resolution, in behalf of the loyal constituency of the Twenty-seventh Senatorial District and of the State.

I flatter myself that I shall receive an attentive hearing as I have been a silent member through three of the sessions of this Convention which I have attended, and as I am personally interested in this question—I mean by that, sir, that some of the St. Louis papers have been pleased to denounce in false and malicious terms those who have taken part in this election. I took part in it, and such a part that I deem it a duty I owe to the Germans, especially, of this District, as well as to loyal Americans and to myself, to put them and myself right before this Convention and before the loyal people of the State. If any are to be sacrificed for going quietly, orderly, peaceably to the polls, and expressing their sentiments by voting for a man advocating their principles, then I ask to be sacrificed among a few; and that the great mass of loyal men be exonerated from all blame.

The sovereign people of the Twenty-seventh District are not alone interested in its adoption, but the people of the State at large. A momentous question, or scheme of emancipation, is to be acted upon by this Convention at its present session, if we act upon the object of the call; a scheme of grave importance, involving the prosperity of the State, in which every legal voter has an interest, as our decision will be, to some extent, for the weal or woe of every man, woman and child, in the State, and will affect generations to come. For a great purpose, and at a most interesting and important epoch in the history of our State—when, if we act, it is to be determined whether Missouri shall place herself, by true and wise friends, in her destined pathway of prosperity and greatness, or, whether, by the influence of blinded, supposed interest, the sun on her dial shall be made to stand still, or indeed turn back, until the work of bloodshed and carnage shall be complete—this Convention has been called. This Convention purports to be of the people, not in mass, but is supposed to be a full representation of the people by their chosen agents. At a time like the present the representation should be full. If liberty be worth the price of eternal vigilance, and we certainly believe it is, we need as many watchmen as possible on the towers, true and brave; who will not fear a scar in front, when battling in the cause of truth and justice. Sir, such a watchman I now present in the name and person of Dr. Bernard Bruns. Should any portion of the legal voters not be represented, through the neglect, inefficiency or mistaken view of any official, injustice is done to that portion and to the whole body of loyal constituents. If, from any cause, injustice has been done, it is the duty of this Convention, representing the people, in the exercise of the primary, full, and complete power which it possesses, and which I presume no one will dispute, to remove that injustice. Should any portion of the people, a given district, have, by their own wrong, their neglect, placed themselves in the unfortunate condition of not being fully represented, I, for one, would say, let them suffer for their own wrong, if no injustice be done to the remainder of the State.

In this case, Mr. President, we will be able to show that, while the question, as we have stated, interests the whole State, the people of the Twenty-seventh District have used not only due, but unusual, diligence in first attempting to have an election ordered in the manner prescribed by law, and, having failed to succeed, in resorting at last to the only

alternative left them: the exercise of the inherent right which they possessed of electing their representatives. They, the people, in the exercise of that right, after due public notice, went to the polls, at the usual place of voting, and elected representatives.

The facts of this case, as I shall state them, I presume no one will attempt to controvert. In February, 1861, the Hon. Thomas Scott, Hon. J. Proctor Knott, and the humble individual that now has the honor of addressing you, were elected from this, the Twenty-seventh Senatorial District of Missouri, which includes Jefferson City, by a large majority over influential competitors; and, it will not be denied, were elected at that early day, when members were first elected to this Convention, as unconditional Union men. The three received almost identically the same vote. Whether the Hon. Thomas Scott and myself have been truly reflecting the will of our constituents, agreeably to our professions when in the canvass, will be proved by the fact that we have not been requested to resign our present positions, and were, at the election, 4th November last, honored by the people with other offices. Whether the Hon. J. Proctor Knott truly represented a *loyal* constituency may be shown by the facts that his scrupulousness, at the commencement of the first session of this Convention, in taking the oath, under a resolution of this Convention, to support the Constitution of the United States and that of the State of Missouri, only indicated his abhorrence of those instruments, as afterwards proven by his refusal to take the oath of office required by this Convention; that he refused to recognize the Provisional Government established by this body, and preferred vacating the office of Attorney General of the State to taking the required oath; that in contempt of the authorities he refused to take the oath, and without manifesting sufficient respect to tender his resignation of a seat in this Convention, removed from this State to the State of Kentucky. More than a year since he removed with his family, and leaving no taxable property. Were he to arrive here to-day, he would not be a voter. These facts are notorious. No one will venture to dispute them. My dwelling upon them is unnecessary. Even the Governor, I presume, is familiar with them.

In consequence of this state of facts, a vacancy existed of one member in the representation to which this Twenty-seventh Senatorial District is entitled. A vacancy existed, and it did not require a declaration of the Governor or of the Convention. More of this after a while.

After the present call of this Convention, the loyal citizens of this District, anxious to be fully represented, as it was their right, adopted a very rational and, it certainly seems, an all-sufficient plan for informing the Governor of a fact which he had failed to recognize, that a vacancy existed. This plan is seen in an official letter written by Sheriff H. L. Bruns, as follows:

JEFFERSON CITY, Mo.,
April 30, 1863.

To the Hon. H. R. GAMBLE,
Provisional Governor of Missouri.

SIR: As the seat of J. Proctor Knott, as a member of the State Convention, has become vacant by his removal from this State to Kentucky, a great many of the citizens of this Senatorial District have suggested and requested that an election be held to fill the vacancy. As it will be a very important matter to the people to be fully represented in this Convention, I would request, in their name, that you cause an election to be held to fill the vacancy. I am, &c.,

H. L. BRUNS,
Sheriff of Cole County.

Mr. President, here is an official request, at the solicitation of a great many citizens, as stated officially in the instrument itself, made upon the Governor to order an election, based upon the information officially given that a vacancy existed, occasioned by the removal from the State of one who had been the incumbent. Why Governor Gamble did not see proper to order an election to fill the vacancy is not for me to say; but the public, the sovereign people, will form and indulge their opinion. I will not say wrong was intended.

Agreeably to the eighth section of the act to provide for calling this State Convention, it is made the duty of the Governor to fill the vacancy in such cases. If he were not willing to inform himself of his duty, the loyal constituents of this District should not be made to suffer while the remedy can be applied by this Convention. That eighth section reads thus: "In case of vacancy occurring in said Convention, by death, resignation, or otherwise, of any member, the same shall be filled in the same manner as now prescribed by law in filling vacancies in the State Senate." By turning to page 1034 of second volume of

Revised Statutes of Missouri, you will find what manner is prescribed by law for filling vacancies in the State Senate, and, therefore, for filling vacancies in this Convention. Section three is: "Whenever the Governor shall receive any resignation, or notice of vacancy, [observe, "or notice of vacancy,"] or when he shall be satisfied of the death of any member of either House, during the recess, he shall without delay issue a writ of election to supply such vacancy." We see, Mr. President, that vacancies occurring by death, resignation, or otherwise, are to be filled.

We see further, that the Governor shall issue writs of election to supply such vacancies. Does the Governor wait, before issuing a writ of election, for the Legislature to declare a removal from the State, and therefore a vacancy? Did you ever hear of such a declaration? No. Neither is it necessary for the Convention, for the law requires the Governor to act. In a contest for a seat we may have heard of the fact of removal from the State being inquired into by the Legislature. We see that he is under his oath to do so, when? When he is satisfied of a death? Yes. When he receives a resignation? Yes. But does the law there stop and provide for no other case? No. The law says "whenever the Governor shall receive 'notice of vacancy,' he shall issue a writ of election." Does this not cover the case in hand? What was Sheriff Brun's letter? The Governor returned the official letter of Sheriff Bruns, with an endorsement, which is an acknowledgement of the notice having been received by him. That endorsement is in these words:

St. Louis, May 1, 1863.

Respectfully returned, with the information that the Governor has no power to declare the seat of Mr. Knott vacant, and the Convention must, as it should, act upon the case.

H. R. Gamble.

It cannot be contended that the notice of vacancy is not sufficient. The Governor did not reply that the notice could not be recognized by him as a legal one, or such as contemplated under the law.

Here, Mr. President, I might close my remarks by an appeal to the loyalty of this Convention and their sense of justice, and ask, in the exercise of the power which it possesses, that Dr. Bernard Bruns be admitted to the seat made vacant by the removal of J. Proctor Knott from the State; but while I do so appeal to the sense of justice of this body, and ask the exercise of the power they have of deciding upon the election of their own members, I conceive it is due to my constituents to make some further remarks, that it may not appear that we acted in a revolutionary spirit, but, as it were, under compulsion, in the only way we could act as freemen, justly jealous of our rights, and not willing to be deprived of them by the mere sweep of the pen of an official—a creature of the very sovereign people—a portion of whom the attempt was made, though it may have been unintentionally or with undue haste, to deprive of a sovereign right. I shall be slow to believe the Governor wished to deprive us of a right; but I ask, with all due respect to his age and acknowledged wisdom, to be permitted to say he committed at least a hasty mistake. I do not say he did not state a truth when, in the endorsement upon Sheriff Bruns' letter, he stated "the Governor has no power to declare the seat of Mr. Knott vacant." He did state a truth, but one irrelevant to the case. It is not within his province to declare any vacancy; but when a vacancy exists, it is his sworn duty, when informed, to issue a writ of election to fill the vacancy; and a duty clearly pointed out when he shall receive a notice of vacancy. He does not declare a vacancy in case of a death, but a death creates a vacancy, and when he is satisfied of the death, he issues a writ of election. In case of a resignation, he issues a writ of election to fill a vacancy created by such resignation. The death or resignation creates the vacancy; not the declaration of the Governor. So it is in case of vacancies arising from any cause, as the law says "by death, resignation, or otherwise." The law-makers wisely presumed that vacancies would occur "otherwise" than by death or resignation. But the most natural way—the most liable to occur—of causing a vacancy, is by removal from the State, without a formal resignation in writing. Such was the plan adopted by the Hon. J. Proctor Knott; and I would ask what kind of a resignation could be more effectual than removal of one's self, family and effects to another State? It is presumed by law-makers that vacancies will be made by "removal from the State" of the incumbents. On page 705 of the first volume Revised Statutes of Missouri, section forty-nine of the law regulating elections, you will read, "if any vacancy shall happen in the office of Judge of the Supreme Court, Judge of the Circuit Court, Secretary of State, and other important offices, (there designated,) by death,

resignation, removal from the State, or by any other disqualification, the Governor, upon being satisfied that such vacancy exists, shall issue his writ of election to fill such vacancy." In the case before us, the Governor was officially informed of the removal and vacancy, as has been shown; and, at the same time, the Governor, of his own personal knowledge, must have known what was notorious at the capital of the State, especially as he had appointed another to the office of Attorney General of the State, and as he must have known, what all the members on this floor know, that the Hon. J. Proctor Knott did not appear as a member at the last two sessions of this Convention. Neither is he now present.

The Governor, in his endorsement on the Sheriff's letter, says "the Convention must act." As all cases of vacancies are alike, in regard to filling them, under the law, if it were necessary for the Convention to have declared the seat vacant of the Hon. J. Proctor Knott, before the Governor could have issued a writ of election, then undoubtedly it is necessary for the Convention to declare the seat vacant of the Hon. Littlebury Hendricks, deceased, before a writ can be issued by the Governor; so in the case of the resignation of the Hon. Mr. Brown, of Cass; so in the case of other Hon. members at the time of their resignation or death. But the Convention has not acted in any of these cases, and writs issued and newly elected members are here present. They have been permitted to take seats! It is an admission that writs of election were properly issued in their cases. Such will be a virtual declaration that the Governor did not do his duty in regard to the case now before us, as the law commands him, alike in all cases of vacancy by "death, resignation, or otherwise," and especially when he shall have received "notice of vacancy." If the Governor, from any cause, failed to do his duty, shall the good people of this district suffer the effect of his wrong, while there is a remedy? That remedy is with this Convention. It has the same powers that the people could exercise were they all together in a primary mass convention.

Had the Governor doubted his authority, he might properly have ordered the election, that a loyal constituency might have been represented, and have submitted the case to this Convention. Who would have been injured? While his own language, in his argument on the powers of the Convention, at the July session, 1861, should have removed any scruples from his mind on the subject, he said, "it (the Convention) is a body assembled by the people, directed by the people themselves; in their original capacity." "It is true," he says, "that an act of the General Assembly was passed directing the mode in which the people were to select the persons who were to be the representatives here." But still, he says, "that was only a direction, only a part of the machinery by which the people were to exercise their original sovereign right of sending persons to an original, extra, and superior constitutional body; of sending their delegates to this body with powers such as are not delegated by the Constitution — a body not mentioned in the Constitution, not contemplated in the Constitution — with powers that are not delegated according to the ordinary machinery, but which are delegated by the people in their original sovereign capacity, for the purpose of carrying out the will of the people."

Mr. President, what can I say? It is certainly apparent to the members of this Convention that an election should have been ordered, in the case before us. It was so apparent to the people, they felt that, by the refusal, their right of franchise was outraged. For a time, with the formidable words, "the Governor has no power to declare the seat of Mr. Knott vacant," staring the people in the face, the inward feeling of disappointment burned silently in their breasts. After deliberation and an examination of the subject which exposed the wrong, intentional or unintentional, this feeling of indignation manifested itself by a call of the people to the people, the legal voters, to go to the polls and vote for the people's candidate to represent them — "to delegate power by the people, in their original sovereign capacity, for the purpose of carrying out the will of the people." Due notice of said election was given. The following is a copy:

"ELECTION NOTICE.

"An election is hereby called, to be held at the usual places of voting in the counties of Cole, Camden, Maries, and Miller, on Thursday, the 11th of June, 1863, in accordance with existing laws and ordinances, for one delegate to the Missouri State Convention, in the place of James Proctor Knott, who has refused to recognize the Provisional Government — to take the oath of loyalty prescribed by the ordinance of the Convention — has refused to attend its sessions since the establishment of the Provisional Government — and who has abandoned his constituents and fled the State,

and who has been, for more than a year past, with his family, a resident of the State of Kentucky. The Convention is to assemble in Jefferson City, on June 15th, under a call of the Provisional Government of the State of Missouri, for the purpose of 'consulting and acting upon the subject of emancipation of slaves, and such other matters as may be connected with the peace and prosperity of the State.'"

Mr. President, the election was held in pursuance of such notice, given in the time and at the places required by law, and it was conducted with due regard to the forms and requirements of the law; and in an orderly, quiet and peaceable manner, with perfect freedom enjoyed by every voter to vote his own choice. Election returns have been made, and the result is:

Dr. Bernard Bruns received,

In Cole county	362	votes.
" Miller "	383	"
" Camden "	159	"
" Maries "	51	"
Total	955	"

One other name was announced in some localities, but he received no vote.

Short as the time was between putting up the notices and the day of election, a vote is given that compares favorably (very) with the votes of other districts in which the usual notice was given in accordance with the Governor's writs, and in which two and three opposing candidates would be presumed to have caused interest and excitement, and draw out greater numbers.

There was no attempt at deception. Therefore circulars were distributed with the principles, plainly enunciated, which constituted the platform:

"1. Immediate emancipation with apprenticeship.

"2. Immediate election to be ordered for Governor and other State officers not elected by the people.

"3. Declaring the ordinance disfranchising rebels permanent.

"4. The adjournment of the Convention without day."

The very principles that now are being daily declared by the people at their mass meetings throughout the State, to be those which they demand should be regarded by their delegates here present, in their action in this body.

Mr. President, I leave the case with the Convention. As I have said, I appeal to the sense of justice of the members, to extend to Dr. B. Bruns what we believe, in their sense of justice, they should — a seat as a member of this body; and what the loyal voters of this district expect. In all truth, loyalty has suffered enough in this State at the hands of its enemies; let it not receive a stunning blow at the hands of its friends.

Mr. President, I would now feel satisfied to take my seat, feeling that I had discharged my duty to my immediate constituents, and to the loyal and law-abiding citizens of the State, were it not that I am constrained to close by speaking to what I consider a question of privilege, and which I do with feelings of regret. It is due to the Germans, to the Americans, and to myself. I shall read a portion of a communication in the St. Louis *Daily Union* of the 10th inst., over no signature except one star—a lone star—which, however, is in the decline, and, in these latter days, has not appeared much above a clouded horizon. It represents one whose lone idea is that the aristocracy should rule, and common people should not be permitted to have a voice in Government affairs. After alluding to the German papers — *Westliche Post*, and *Neue Zeit* — "Lone Star" says: [Reads from the *Union*.] The caption of this bloodthirsty production is, "American Patience has a Limit." I would more than thank the writers of such communications to give the public their names, that they may be shown up in their true colors. I will venture the assertion that the writer of that article is not only a revolutionist, but a rebellionist (to make, in part, a word for the occasion); that he is a rebel, though not brave enough to take up arms and take the stand of a man, where he belongs, and therefore called a sympathizer. Let him disclose his name, and I have no doubt about the proof. What being, other than a depraved rebel, who desires to give aid to the rebellion, would attempt to cause divisions among loyal men by appealing to national prejudices, and especially by the futile attempt to prejudice loyal men against the most loyal of all foreigners who have been invited and have found refuge and citizenship on our hospitable shores — the Germans, even more loyal, in proportion to numbers, than the Americans themselves, so many of whom know not how to appreciate the blessings of their free Government. I wish that writer was half as respectable, learned, intelligent, or loyal as Dr. Bruns, whom he pleases to call a revolutionist. If Dr. Bruns be a revolutionist, as charged, he is the kind of a one that all truly loyal men of this State are. Does "Lone Star" know the meaning of the word

revolution? Does he suppose the loyal men can have their prejudices aroused by the use of a word he thinks they do not understand? The day for such demagogueism in Missouri is past. The day was when the people suffered leaders to think for them; now the people think for themselves, and they are the leaders.

Does he suppose they cannot distinguish between a revolution and a rebellion? Does he suppose there are no moral revolutions effected except by rebellions in which brute force is used? Cannot there be moral revolutions without rebellions? Indeed, in the case of the present rebellion, a moral revolution in our State is progressing and almost consummated, and caused directly by the rebellion. A revolution is a turning round; on the subject of slavery, the rebellion has caused a turning round—a revolving, a revolution, a change of sentiment and of action. Before the rebellion, to perpetuate slavery, the people were willing to let it alone in our State. Now they are determined to destroy it, in order to crush the rebellion and save the Government. That is a turning round—a revolution. But the rebels are rebels still. They have not turned round, changed in their intentions, and therefore not, after they took their unholy position, revolutionists. In that true meaning of the word, Dr. Bruns and the majority of the voters of Missouri have been forced by the rebellion to become revolutionists, to change round in their views and actions on the subject of slavery. In that sense I am a revolutionist. In that sense all the loyal men of this district and State are. Our force is reason, argument, moral suasion. The force of the rebellion is brute force; it is the bayonet. The bayonet broken, the rebellion will cease. Our force, moral principle, will live forever.

The "Lone Star" speaks of "accepting any challenge." No challenge has been offered, excepting open, manly, fair argument. A cause that cannot sustain itself by fair argument, ever resorts to violence; therefore, he speaks of "violence and bloodshed." For the same reason that the advocates of slavery could not sustain and perpetuate it by argument and morality, they resorted to violence and rebellion. Now, "Lone Star" don't want to fight; he would not go into a hogshead to fight an antagonist on this question, each armed with a bowie knife. To be brave a man must have his courage sustained by the moral conviction that he is engaged in a good cause. That is the very reason the rebels could not whip their "five to one," but to have usually been whipped when our one to their two. "Lone Star" says on the subject of "violence:" that "the Americans are ready to gratify them"—meaning the Germans. This is spoken in allusion to the election in this district, and in reference to bloodshed. I defy him or any other rebel sympathizer to point to any expression from this district that violence is desired. That sympathizer manifests a total ignorance of this Twenty-seventh District and of its voters; and, indeed, he knows nothing about the sentiments and feeling of the loyal majority of the State. In this district the voters are thoroughly loyal, and the Germans constitute about one-fourth, and are principally in Cole county. In Camden county but one German vote was given. It may be well enough, also, here to state a fact or two for the information of others and "Lone Star," who is ignorant as to this district. About the last day of April last the subject of this election was talked about in Jefferson City, and I think I was present at the very first conversation. I have no recollection of a German being present. The very first person that I heard suggest the election was a partner of mine, Capt. W. D. Murphy, a slaveholder, and, by the way, an immediate emancipationist. I favored the election; other Americans of Jefferson favored the election; other loyal Americans in Camden and Miller counties favored the election. The voices and votes of loyal Americans and Germans were united on the ground of loyalty. The Americans loyal to the free government of their native land, the Germans loyal to the government of their adopted land, the free institutions of which they are doing so much by their bravery to sustain, and the prosperity of which so much by their industry to advance. We respect and love all loyal men, whether from Germany or Ireland, Russia or Poland, Italy or Mexico. "Lone Star" says, "Who are these men?" and answers, "Foreign born citizens." I am not, for I was born in Missouri. My partner is not, for he was born in Tennessee and has been in Missouri fifty-two years. Three-fourths of the voters in the district are not. But we care not where a man was born, though in a stable; if he be loyal we respect him, and by his side we will do all that was proposed in this election: exercise the right of freemen and go to the polls and express our sentiments in a quiet manner. We proposed to act in no other manner. This is our revolution, and the only kind of a revolution we have pro-

posed. We now propose nothing violent—nothing rebellious. We quietly ask our Representative to be admitted to his seat. If the seat be refused, we intend to submit. We would not attempt to have the seat by violence, or to depose anybody by violence. But we will keep the ball revolving, and we will be found at the ballot box. There we will overwhelm all such as "Lone Star" and all who respect his cry. I say we propose no violence, no bloodshed, but we might imitate the language of "Lone Star" and say: "American loyalty may have a limit in forbearance." I say, no violence; but, like the deep, silent, mighty river of the plain, swollen by ten thousand rivulets, our course will be onward and irresistible.

Mr. Broadhead. I had intended to take but little, if any, part in the debates of this Convention, having come here for quick deliberation and speedy action on the question which has brought this body together; but I cannot let this proposition pass without notice. The resolution offered by the gentleman from Camden deserves more than ordinary consideration, coming, as it does, from a man who has recently been elected to a high position in the councils of the nation, and who exercises a large influence in the community in which he resides.

It is a most extraordinary proposition, and I am astonished, more than astonished, am grieved, to find such a proposition coming from such a man.

The gentleman speaks of the momentous question which brought this Convention together. The slavery question, the question of emancipation, sinks into utter insignificance before that embraced in the resolution now before us; it is the most momentous of all questions which has been, or can be, submitted to the consideration of this body.

This body, Mr. President, is not a revolutionary body. It has been called into existence in pursuance of existing forms of law, and by virtue of the living principles of the Constitution; we have followed the beaten paths in which our fathers trod—the republican theory of government; we have been guided by the American doctrine of constitutional liberty, which always has some landmarks to guide us in the road to progress. We have not travelled in the dark; at every step in our pathway we have been guided by the light of established principles, embraced in the provisions of a written, fundamental law. This is the law of our political existence, the foundation of American liberty.

The great and distinguishing doctrine taught by those who established the theory of Republican government on this continent was that the fundamental law governing our political societies in the different States of the Union, and in the Union itself, is to be found, not in the decrees of courts upon the unwritten law; not in the customs of nations, nor in the breasts of princes; nor yet in the resolves of the people, expressed in mass meetings, or at irregular assemblages of individuals, but in *written Constitutions*. These Constitutions we must obey, even in changing them; that is, we must obey the principle which lies at the bottom of them, or else we destroy the true theory of republican government, and become revolutionists. Those constitutions provide for their own amendment, and this Convention has been called into existence in pursuance of one of those provisions.

The Bill of Rights, which is a part of the Constitution, declares—

"That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness."

In making these changes, in altering these forms of government, we must have reference to the provisions of the Constitution as a starting point, else we meet with insuperable difficulties at the very threshold. What *people* may thus make changes in their form of government? This question must be determined by reference to the provisions of the Constitution, else how are we to determine who shall exercise this sovereign power? If the Constitution furnishes no rule, who shall say that persons of all ages, sexes and conditions of society may not participate in the proceedings? Why may not the blacks as well as the whites, aliens as well as the native-born and naturalized citizens, women and boys as well as men, take part in the proposed political movement? But to solve all these difficulties the Constitution has declared who the *people* are.

The preamble to the Constitution declares that "We, the people of Missouri, inhabiting the limits hereinafter designated, do agree to form," &c. This determines what people is referred to—the people inhabiting a particular district of country, they ordain and establish the government for the State of Missouri. The

powers of this government are then divided into three departments, and are to be exercised by representatives chosen by the *people*. The same instrument then determines who may vote for these representatives; in other words, who the *people* are. It declares that—

"Every free white male citizen of the United States, who shall have attained the age of twenty-one years, and who shall have resided in the State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective officers."

So that the people who make the Constitution, and the people who might alter the fundamental law, are none other than those who were at the time declared to be vested with political power, and such persons who should come after them, residing within the same territory, and professing the same qualifications. This much we get from the Constitution; and this much of that instrument we must obey in the first step toward political reform.

But we get more than this from the Constitution. It is "the people of the *State*" who are vested with this sovereign political power; not the people of a neighborhood; not the people of Jefferson City or of Cole county, nor even of a Senatorial district, but the people of the State of Missouri. There is, there can be no certain or safe way of determining who the people are, or how their wishes may be expressed in reference to a change or amendment to their system of government, except through the medium of existing forms of law. I may say there is no way whatever, except by revolution, and revolution has no rule except the rule of the strongest.

This Convention was called together in pursuance of the provisions of an act of the Legislature, passed on the 21st of January, 1861. That act provided for the election of delegates from the different Senatorial districts of the State. It fixed the qualification of the delegates; it provided how the vote should be counted, and declared, in very general terms, the object and powers of the Convention; and the eighth section of the act provided for the mode of filling vacancies. The *people* of the State acted upon the suggestion or call thus made by the Legislature, and, by the largest vote which has ever been polled in the State, elected delegates to the Convention. The people, in their primary capacity, and in pursuance of the provisions of the Constitution, have chosen, as their representatives, a body which may change, alter or amend their Constitution; and this law, thus sanctioned by the people, has become the charter, or power of attorney, by which the Convention may act. It is binding upon our action, not because the Legislature has passed it, but because the people have adopted it. Hence all the provisions of the act in reference to the qualification of the delegates; the mode of their election; the districts from which they are to be elected; the rules which may be adopted for the government of the body; the mode of determining contested elections and of filling vacancies, have become laws to this Convention, and no fractional portion of the people can change them or nullify them, or set them at naught, without revolution. If we abandon these landmarks, what is to be our guide? How can we say who shall vote, or from what districts the delegates are to be elected, or what is to be their qualification?

But we are not plunged into this chaos of doubt and uncertainty, out of the darkness of which no man knows how we might emerge. We place ourselves upon the Constitution, and from this stand-point we have undertaken to make important changes—such changes as we deemed necessary to protect our political institutions from the havoc of rebellion and revolution. If we fail in making other changes deemed necessary for the public good, we have the consolation to know that we have the old platform of the Constitution left to stand upon; but if we begin with revolution, with a breaking up of the existing order of things, we may get something better, or we may get something worse than we had before, or we may get nothing that has the semblance of republicanism about it; we may be left in the darkness of anarchy, or find ourselves covered with the pall of despotism.

The gentleman admits that the proceeding in the case of the election of Dr. Bruns was not in accordance with the law, but pleads that this was the only alternative left to the people of his district, because Governor Gamble had failed to call an election. He admits the attempted revolution and even accepts the name, but undertakes to dignify it with the name of progress—change. All revolution is change, but all change is not revolution. Change may be, and is, under our republican theory, orderly and peaceful; revolution is without order and violent. A distinguished Frenchman, who himself has passed through the scenes of two rev-

olutions, tells us that the "brutalities of progress are called revolution." The aspirations after progress, which belong to civilized man, and peculiarly to our own race, I would not repress in any people; but let us be saved from the brutalities of progress. The workman, who has laid his foundation deep in the solid earth, proceeds to erect his edifice; if he finds the materials defective, he throws them aside to procures others in their stead; he may change the plan of the building, but the foundation remains unchanged. So it is with our American system of government. Our forefathers searched the records of past ages, and, gathering all the materials which the history of other nations could afford, have laid the foundation of American liberty in written constitutions. Upon this they erected their political edifice. Those constitutions provide for their own amendment, by peaceful, quiet, and orderly change. This is progress, but not revolution.

The act of the Legislature to which I have referred, provides for the manner in which vacancies are to be filled in this body, and in no other way can they be legitimately filled. The Governor is required to issue his proclamation calling an election. This, it is admitted, he has failed to do; and a mass meeting, composed of some of the citizens of Cole county, have usurped the functions of the gubernatorial office and ordered an election; and they modestly ask us, the representatives of the balance of the State, to bow to their executive mandate. They admit, through their advocate here, the gentleman from Camden, that it is in violation of law, but they say they are the people; "the Governor has failed to do his duty, and therefore we will take his place and perform his functions."

Now, I should have been glad to have seen an election for a delegate in the place of a man who I have no doubt is unfit to be a member of this body. I have not examined the question to see whether, from the facts as stated, the Governor ought to have ordered an election. I do not doubt, however, but that he has discharged his duty under the law, for he is a good lawyer, and an honest man. But, admitting that he has failed to discharge his duty, does that vacate his office and put in the people of Cole county to supply the vacancy? The gentleman says the people of his district had no other alternative. I say they had no alternative but either to obey the law or submit. He tells us there were nine hundred loyal voters for Dr. Bruns—about one-third, perhaps, of the loyal voters of his district—and the others may not have voted, and doubtless did not vote, for the simple reason that they did not believe that a mass meeting in Jefferson City, or the sheriff of Cole county, had the right to act as Governor, and paid no attention to their proclamation. What right, then, has he even to say that people of his district have made this election?

The gentleman has much to say about his *loyal constituents*, whose claims he is advocating, while he is at the same time flaunting his proposition in the very face of the law. This is a species of loyalty which, I confess, I do not understand. American loyalty, he says, too, may have a limit. I trust, Mr. President, that such loyalty may have a limit. He does not intend violence, but if defeated here will keep the ball in motion. This, coupled with the declaration that American *loyalty* may have a limit, implies a threat which, I must say, I regret should have fallen from the gentleman, for I had hoped for better things from him. Our own beloved State has suffered already sufficiently from this rebellion. I had hoped that her wounds were beginning to be healed, that her citizens might once more resume the avocations of peaceful industry; but here we have the threat of another revolution and the promise of new fields of carnage.

Mr. President, I trust that this threat is an unmeaning one; I trust that our lacerated and bleeding commonwealth may be permitted at least a season of repose before she is plunged again into the vortex of anarchy and revolution.

The spirit which inaugurated the present rebellion was the spirit of anarchy; it commenced its work of desolation by violating the Constitution and setting at defiance the authority of the Government and the laws, and every step in its progress has marked the character of its origin. The conspirators wanted a new constitution of government with slavery as its corner stone; the loyal citizens of the country wanted no change, and least of all such change as this would bring them. To admit that there was an inherent defect in the Constitution, which could only be remedied by revolution, is to justify the rebellion; for it claims nothing more; and so to admit that there is a defect in our laws, or in the execution of them, which can only be met by revolution, is, to say the least of it, a strange position for loyal men to assume.

The gentleman has had much to say about

a lone star, in regard to which I know nothing; but there is one lone star which I am willing to worship—the star of constitutional liberty. It guided our fathers through the dark and troubled night of seven years' struggle; I trust it watches over us yet. When its light shall be blotted out—and I must confess that the signs of the times do seem to forebode such a catastrophe—who can say what may be our fate! Tossed upon the troubled sea of revolution, what light shall guide us then? Mr. President, I hope that this Convention will put its foot upon this proposition. Let it come from what source it may, whether from Germans or Americans, it matters not to me, it deserves our condemnation, and should receive it.

Mr. STEWART. I am one of those who admit that we are in the midst of a revolution, and perhaps the greatest the world has ever seen, and I feel disposed, as I suppose many other gentlemen on this floor do, to take a hand in it myself. I do not know but that the action of this Convention is revolutionary; and when Jackson and his traitorous and infernal Legislature were kicked out, I think we were acting in a somewhat revolutionary way; and who, I ask, can justify the sitting of this Convention one moment longer when we have no Governor elected by the people? When this Convention was called it was for no other purpose than to decide the relations of this State to the General Government, and whether the State of Missouri should remain in the Union or not—when foul traitors attempted to take the State out of the Union, backed up by as damnable a set of demagogues as the Almighty ever permitted to live. When this Convention decided that Missouri should remain in the Union, its functions had expended themselves; and when it had effected the whole purpose for which it was assembled, it ought to have given its power back into the hands of the people. But how is it now? Is there peace and satisfaction throughout the State? I do not pretend there is anything wrong, but it is the opinion of many people in this State that Missouri is worse off to-day than when the Provisional Government commenced; that there is more jayhawking and bushwhacking, and many people believe it is because the Provisional Government is not an exponent of the will of the people. I regard the election of Dr. Brums as much in accordance with the letter and spirit of the law as the calling and action of this Convention. The people now desire and are determined to be heard through their chosen representatives, and, my word for it, they will not be satisfied with less than their rights in this respect.

Gov. GAMBLE. I learn, Mr. President, on coming into the hall, that a member has thought proper to assail me for not issuing a writ of election to fill the seat of Mr. Knott, who is said to have removed to Kentucky. I hope I shall be excused, sir, in showing that the member who makes the attack knows nothing about the subject.

This Convention was chosen under an act which provides that vacancies in this body are to be filled in the same manner as vacancies in the Senate. How are such vacancies to be filled? The second section of the act concerning the Legislature, in the Revised Code, provides that "if any member elected to either House of the General Assembly shall resign in the recess thereof, he shall address and transmit his resignation in writing to the Governor; and when any such member shall resign during any session, he shall address his resignation in writing to the presiding officer of the House of which he is a member, which shall be entered on the journal; in which case, and in all cases of vacancies happening or *being declared* during any session of the General Assembly, by death, expulsion, or otherwise, the presiding officer of the House in which such vacancy shall happen shall immediately notify the Governor thereof."

The third section of the act then provides that "whenever the Governor shall receive any resignation or notice of vacancy, or when he shall be satisfied of the death of any member of either House during the recess, he shall without delay issue a writ of election to supply such vacancy."

These two sections contain all the law on the subject. The Governor is to issue a writ of election in one of three cases: First, when a resignation is made in vacation or recess, it is to be addressed to him, and he is then to have knowledge of the vacancy; second, when a resignation takes place during a session, it is communicated to the House to which the member belongs; and when a member dies during a session; or his seat is *declared vacant on account of his expulsion, or otherwise*, in all such cases of vacancy the Governor receives notice of the vacancy from the presiding officer of the proper House; third, when the Governor obtains satisfactory information of the death of a member in recess.

Now, it is not said either that Mr. Knott has resigned; or that his seat has been declared vacant by this body, or that he is dead. It is not pretended that in any of the modes provided for in this law the Governor has received notice of a vacancy in the seat of Mr. Knott. Where, then, is any authority to be found for issuing a writ of election?

A sheriff of one of the counties of Mr. Knott's district sends a note to the Governor, informing him that Mr. Knott has removed to Kentucky, and thereby vacated his seat. Who gave this sheriff any authority to declare the seat vacant? Suppose all the sheriffs of the different counties in the district had united in notifying the Governor that the seat was vacant by the removal of the member, who gave them the power to pass upon the question of such vacancy? This body alone can declare the seat vacant.

What questions are involved in the change of domicil which Mr. Knott is supposed to have made, and by which it is supposed he has vacated his seat? First, then, is to be the fact of removal, and second, the purpose for which it was made. If the removal has actually taken *place, we are to ascertain the intent of the* party. If he has gone for a temporary purpose, although he may be absent for years, he does not lose his domicil. I was absent from this State more than a year before I was elected to this body, and all the members of my family were with me; but my purpose in going was to attend to the education of my children, and I claimed all the time to be a citizen of Missouri, intending to return to my home here when my object was accomplished. No person was stupid enough to pretend that I had lost any of my privileges as a citizen of this State. So a merchant might be absent at Canton for years, trading with the Chinese, without losing his domicil here.

It may be a very proper question for this body to determine whether one of its members has abandoned the State to take up his permanent abode in Kentucky, but we will not allow the sheriff of Cole county to decide any such question, nor to declare the seat of a member vacant, when the law confers no such power upon him.

There was, then, clearly no cause for the Governor to issue a writ of election, and the proceeding of citizens to an election of a member of this body without such writ is a mere nullity, entitled to no consideration.

I have nothing to do with the fact that the actors in this affair are Germans—the same rule applies to citizens of all classes. Nor have I anything to say about the revolutionary character of the proceeding. I view it as a mere question of law; and I think I may say that the mere statement of the law sufficiently proves that the member who has assailed the Executive for not issuing a writ of election is totally ignorant of the subject upon which he has spoken.

Mr. DRAKE. The question involved in this matter having been so fully discussed, I should content myself with voting for it, but some circumstances make it expedient that I should express my opinion about it. I regret, exceedingly, the introduction of this matter here. When the subject was mentioned to me in St. Louis sometime ago, that it was in contemplation to bring the matter up here, I earnestly advised the gentleman who mentioned the matter to me, to prevent anything of the kind if possible; and since I came to this city, and learned that such a movement was contemplated as that now before us, I have, with every one with whom I have spoken in regard to it, urged that it should not be brought up. I can view *the matter only in one light. I would rejoice* very much, indeed, to see a representation here of the Twenty-seventh Senatorial District in place of Mr. Knott, because I believe that a delegate elected from that district now would probably accord with me in his views with regard to the great questions which have come up before this body, particularly on the great question of emancipation. I would indeed rejoice to add one more to that, I fear, little band who desire that this great question should be brought to a successful consummation by this Convention at this time. But, as I said in regard to another matter that came up the other day, were I certain that upon this question of emancipation this Convention would be equally divided, one half in favor of immediate emancipation, and the other half in favor of gradual emancipation, or of no emancipation, and that they stood inexorable, without the possibility of a single member moving from one side to the other, or any other condition of things by which, by the admission of Dr. Bruns, I could carry out my most cherished desires upon this subject, I could not vote for his admission. [Cheers.]

I cannot consent, Mr. President, to lay aside my conviction as to what is the law in this case, and our duty to uphold that law, to carry out any project, however I believe it would redound to the glory and good of Missouri, for

all time to come. The gentlemen who have spoken against this proposition—especially the Governor, who has set forth the law appertaining to this matter so clearly—seem to leave nothing further in the way of legal argument to be addressed to the Convention. I believe that this Convention might, if it saw fit, in the exercise of the sovereign power that belongs to it, as a matter of favor to the people of the Twenty-seventh Senatorial District, allow them to be represented by a member informally elected; but though we have all the power with which the people can endow us, if we were to exercise that power in this case, I do not know where would be the dividing line over which we must not step. But even with that conviction resting upon my mind, and with the earnest desire I entertain in regard to the subject of emancipation, I consider this matter so clearly in violation of the Constitution and law of this State, so entirely irreconcilable with the right way of accomplishing results, and so dangerous in its tendencies, that if we allow this thing in favor to the people of the Twenty-seventh Senatorial District, where are we to stop in similar allowances to others? I believe it so entirely wanting in any authority of law, and so entirely against all my views of a strict and firm adherence to constitutional and written law, that I confess, Mr. President, I cannot conceive of any instance in which I could be induced to vote for the admission of a member to this body elected in this manner.

Mr. McCLURG. It may be a bold assertion for one who has not heretofore participated in debate, or been in the habit of addressing public assemblies to say; but I nevertheless assert that I do know, under the law, what was the duty of the Governor in regard to ordering this election. It may seem ridiculous, I admit, for one of my age, and not a lawyer by profession, though my business has not been wholly unconnected with it) to differ with the Governor, one who has been on the bench; but, Mr. President, I believe I understand the English language, and I wish carefully to read section 2, (referred to and read by the Governor,) and if there is a member here, after a careful perusal of that section, who will rise and say it does not apply to cases of vacancy during the sessions of the General Assembly, I agree not to open my mouth again in this or any other body. It applies only to vacancies occurring during the General Assembly, and the third section applies to vacancies that may arise when there is no session of the General Assembly. "If any member elected shall resign in the recess thereof, during any session of the General Assembly, by death, expulsion, or otherwise, the presiding officer of the House in which such vacancy shall occur shall immediately inform the Governor." And the next section refers to vacancies occuring during the recess of the General Assembly. "Whenever the Governor shall receive any resignation or notice of vacancy, or when he shall be satisfied of the death of any member of either House, during the recess, he shall without delay issue a writ of election to supply such vacancy." It is not necessary to make any further comment; the thing speaks for itself. All I have contended for is, that the Governor having received a notice should have ordered an election. I say nothing of the motives of the Governor. My remarks were not correctly understood by Mr. Broadhead; he has taken them in a disconnected manner, and he therefore misunderstands me. My argument was that the election was not held in accordance with the law, but that it *would* have been held in accordance with the law had the Governor issued the writ of election; but the Governor having failed to issue that writ, the people resorted to the only alternative left them; that after due notice the people went to the polls and expressed their sentiments, by their votes, for the candidate whose principles were known to the people at large. Having been thus elected, I insist it was the right of Dr. Bruns to come here and take his seat. He has not appeared, and I ask that the question of his election under the circumstances be referred to the Committee on Credentials.

Mr. BROADHEAD. If there was any question of fact to be investigated in admitting Dr. Bruns to a seat in this body, I should vote to refer the matter to the committee; but inasmuch as the gentleman has set out with a declaration that there was none, that the election was not in pursuance of law, I conceive, sir, that it is not a proper subject either for this body, or any committee which could be appointed; and, therefore, I shall be compelled to vote against it; intending no disrespect to the gentleman by that vote, or for the persons who have voted for Dr. Bruns. It is a subject which does not legitimately come within the sphere of our action, and therefore should not be referred to a committee of investigation, because the facts submitted are insufficient to show that the matter should have been permitted to come before the Convention.

Mr. HITCHCOCK. I understood the gentleman (Mr. McClurg) to say,—and if I misunderstood him I ask to be corrected,—that he admitted the election of Dr. Bruns was in violation of law; that the law required a different course to be pursued to that which was actually adopted. That being the case, I cannot see why this body can be expected to support a proposition based on a direct violation of law. I should be much pleased, sir, to admit Dr. Bruns to a seat in this body, if I could conscientiously believe that he had been duly elected. I think this body may as well dispose of the question here.

Mr. BUSH. Mr. President, I do emphatically object to the motion of the gentleman from Adair (Mr. Foster). This is not a resolution to admit Mr. Bruns to a seat, but merely to lay the papers and facts before a committee. And thus it presents itself to my mind as a petition of nearly a thousand loyal citizens. If the proposition were to recognize Mr. Bruns as a member—glad as I would be to see so noble and patriotic a gentleman, as I know him to be, in our midst—I might vote against it, in deference to the high judicial authority, which, contrary to the common sense interpretation of the statutes, as declared by the Hon. member of Congress from the Fifth Congressional District, considers his election as illegal. But, while I believe myself that the election held to fill the place of Mr. Knott was unauthorized by law, it is not quite so evident that we may not have the right to declare Mr. Bruns, after examining all the facts, entitled to a seat. "Conventions are assemblies of a special and peculiar character." The meeting of the Lords and Commons which convened before the restoration of Charles II., without the King's writ—the Lords by their own authority, the Commons by virtue of writs issued in the name of the keepers of the liberty of England—was named "the Convention," probably because they convened without the assent or summons of the King. Is it not possible that a Convention might think proper to admit also as a member one who has been duly elected in all proper forms, though without a writ of the Governor, by virtue of writs issued by the loyal *People*, the keepers of the liberty of the Republic?

But suppose all this were not so, I view it, as I said before, as a petition of a thousand peaceful, loyal citizens, expressed by their vote instead of their signatures; and whatever its contents it should be received. Remember that this great rebellion commenced with the refusal to receive a petition in Congress for the emancipation of slaves in the District of Columbia! I will vote, therefore, that the subject be referred to the Committee on Credentials.

Mr. HITCHCOCK. I do not wish to delay this body, but I must enter my protest upon the construction sought to be put upon this vote. It is not a petition, it is a resolution introduced by one gentleman proposing to refer to a committee of this body a subject which he has expressly admitted comes here without the sanction of law.

Mr. S. SMITH, in explanation of his vote, said, I shall vote to refer this matter to a committee out of respect to those who have voted for my respected friend. I wish it understood, however, that I do not think he has made out a *prima facie* case here that he is entitled to a seat in this body. But while I sit here to represent a large constituency like that of the Twenty-ninth Senatorial District, I never will refuse to respectfully listen to any portion of the community on any subject they may choose to bring before this body.

Mr. STEWART. I express no opinion as to whether Dr. Bruns is legally entitled to a seat in this body, but I believe in the right of the people to be heard, and therefore I vote *aye*.

Mr. J. WALKER. I shall vote for the proposition. The people of the Twenty-seventh Senatorial District did apply through their civil officers, informing the Governor of a vacancy in said district, and he refused to issue a proclamation ordering an election. The people also had some cause to think that this Convention had failed to guard their interests by neglecting to declare Mr. Knott's seat vacant after he had refused to take the oath enabling him to hold an office under the ordinance of the Convention. I hold that the people possess the right under the Constitution to assemble peacefully for their common good, and to apply to those vested with the powers of the Government for a hearing of their complaint and a redress of their grievances. I shall therefore vote *aye*.

Mr. MEYER (in changing his vote). I voted *no*, understanding the Chair to rule that there would be no explanation of votes; but as I notice that other gentlemen have been permitted to explain their votes, I wish to explain mine. I desire that this whole subject be referred to a committee for investigation. It is not alone in reference to admitting Mr. Bruns to a seat that I desire it; I regard this as an expression of the opinion of a large class of our citizens

against whom charges of revolutionary designs have been made by St. Louis papers, and by gentlemen on this floor. If the charge was not direct, the language could not be misunderstood. That justice be done by this Convention to a loyal and patriotic people, I desire that the whole subject be referred to a Select Committee, to inquire into the facts, so that the people may vindicate themselves against the charge of being enemies of free government. I am a law-abiding citizen, and for that reason I wish to refer the matter, and therefore vote *aye*.

The question on referring the application of Dr. Bruns to a seat in the Convention being put to a vote, the result was—ayes, 9; noes, 72.

EULOGY ON THE HON. GEO. W. ZIMMERMAN.

Mr. HENDERSON. Mr. President, at previous meetings of this body we enjoyed the presence and the counsel of several members whose seats are made vacant by death. Their names are no longer called by the Secretary, that they may be recorded on the questions presented for the consideration of the Convention.

Among those removed from our deliberations by the hand of death since our last session, is an honored colleague from the Second Senatorial District—I allude to the Hon. Geo. W. Zimmerman, of Lincoln county.

Judge Zimmerman was born in Culpepper county, Va., in the year 1794. He removed, as I am advised, to Missouri about the year 1817, and settled a short time thereafter in what is now known as Lincoln county, then a part of St. Charles, where he continued to reside up to the time of his death, which occurred in the early part of January last.

Judge Z. was twice married. His first wife was the daughter of Richard Wright, now deceased, long a respected citizen of Lincoln county, who at an early day emigrated also from Virginia. His second wife, who survives him, was the widow of Mr. Jas. Hamilton, who died some years since, after a long residence in the same county. He raised quite a large family of children, and reared them in such a manner as to have them command not only the respect, but the admiration, of those around them.

For forty years before his death Judge Zimmerman was a member of the Baptist Church, and, amongst those who knew him best, it is often remarked that no more purer man or more devoted Christian ever lived on earth. From my earlier years I knew him; and no word of reproach have I ever heard against him as a man. He filled places of honor and trust, conferred upon him by confiding friends, and always brought to the discharge of the duties involved sound judgment, an earnest zeal, and undoubted honesty of purpose. In all the relations of life his purity and gentleness of manner were manifest. As a husband, he was affectionate and confiding; as a father, he was kind and full of tenderness, teaching not alone by precept, but also by good example; as a neighbor, it is not enough to say he had no enemies, he was universally beloved; as a master, he was indulgent, perhaps to a fault. To his slaves, whilst he lived, emancipation would scarcely have been a boon; it would have brought the name, the title of freedom, but the substance was already there.

It is to be regretted that Judge Zimmerman was not permitted to participate in this, perhaps the last session of our Convention. His views may have differed from mine on the subjects likely to engross our attention; but whatever may have been that difference, it could not have weakened my confidence in his devotion to the Union, and his adherence to the principles that lie at the foundation of constitutional government.

The scenes attending the canvass for a seat in this body, during the months of January and February, 1861, cannot soon be effaced from my memory. Though I had known Judge Zimmerman long and favorably, it was only in the midst of those scenes that I came to know his true character. The infamous conspiracy against our Government, now deluging the land in blood, was then becoming manifest in the open secession of some of the Southern States. The conspirators were thick among us. Some were bold and defiant; while others, clothed with the livery of Unionism, came with sanctimonious air into the councils of our friends, that we might be known and marked for future vengeance. The plan devised for overthrowing the loyalty of Missouri, by interposing State allegiance and State pride between the traitor and his treason, was being rapidly developed. The pride of birth, of education, of family ties, and the power of sordid interest, were appealed to, and the meaner passions of our nature were aroused and bidden to minister to local jealousies and sectional hatred. At such a moment Judge Zimmerman was a tower of strength. Born in the South, he yet loved the whole country. A slaveholder himself, he wanted no other guaranty for slavery than the Constitution of our fathers. His exemplary character gave force to his words; his purity

of life, his admitted integrity and sincerity of purpose, added to a patriotic zeal in behalf of law and order, gave him a right to be heard. Before these high qualities the demagogue stood abashed and the conspirator was awed into silence. Whatever of influence he had, and it was deservedly great, he threw into the scale for the Government; whatever of abuse and personal danger it was necessary to incur, he met with heroic fortitude.

The people of his district gave him a seat in this body, and, in doing so, they felt, as they yet feel, that the important trust was placed in the hands of an honest man. His intercourse with the members of this body, and his continued devotion to the Union of the States, during its several sessions, all will remember.

In after years, when peace shall be restored to our distracted nation, and the blessings of a united country shall be better appreciated than now, it may be esteemed an honor to have served in the Missouri State Convention. Whatever its faults, it saved a State to the Union, and saved its people from miseries that must have been aggravated beyond human conception.

When the storm of passion drove from their moorings, upon the reefs of civil war, eleven of the States, Missouri remained unmoved, because this Convention was her anchor. Personal feeling and party malice, during the excitement of a revolutionary era, may find much to condemn in our proceedings, and much perhaps may be properly condemned; but when peace returns much will be applauded that is now denounced. I have often thought myself that the Convention was too conservative; but who shall say that conservatism is a crime, when blind fanaticism, aroused by the passions of war, is seen on every hand, rushing madly to its own destruction?

Mr. President, the deceased was honored in his private life — he was honored in the fidelity with which he discharged his public trusts; and "to add greater honors to his age than man could give, he died fearing God."

I offer the following resolutions:

Resolved, That the Convention has received with the deepest sensibility the announcement of the death of the Hon. George W. Zimmerman.

Resolved, That as an additional mark of respect to the memory of the deceased, the members and officers of the Convention will wear the usual badge of mourning during its present session.

Resolved, That, as a further mark of respect to the memory of the deceased, the Convention do now adjourn.

Mr. HALL of B. moved that, in token of respect to the memory of the deceased, the House do now adjourn until to-morrow morning at 9 o'clock. The motion prevailed, and the House adjourned.

FIFTH DAY.

JEFFERSON CITY,

Friday, June 19, 1863.

Convention met at 9 A. M.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The credentials of Col. W. H. McLane having been examined by the committee and found correct, that gentleman was sworn in and took his seat.

INCORPORATED INSTITUTIONS.

Mr. WOODSON introduced the following:

AN ORDINANCE CONCERNING INCORPORATED LITERARY INSTITUTIONS.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. That, in all cases where vacancies have occurred in the office of any instructor, trustee or curator of any incorporated literary company or institution in this State, by reason of such instructor, trustee, or curator failing to file the oath prescribed by an act of the General Assembly of this State entitled "An Act relative to railroad directors or other officers, bank directors or other officers, or trustees of

any incorporated company or institution,"—approved March 23, 1863, within the time required by said act, such vacancy or vacancies shall be held as filled by said instructor, trustee or curator taking and filing said oath on or before the 1st day of August next.

Sec. 2. The filing of said oath shall restore the delinquent or delinquents to all the rights, privileges and immunities possessed prior to the expiration of the time within which said oath was required to be filed, viz., 1st day of April, 1863.

Sec. 3. This ordinance shall take effect and be in force from and after its passage.

Mr. WOODSON. Mr. President, I do not propose to make any extended remarks and to consume the time of this body on a proposition so just and so palpable. I regret exceedingly the necessity of pressing this matter upon the consideration of the Convention; and I certainly should not do so if I did not feel the importance of our entertaining the proposition, and granting to the corporations the relief for which the ordinance provides. I am assured by the President of the Christian Female College at Columbia, a most popular and flourishing school, that but one of the trustees had notice of the existence of the act in question before the time expired for filing the oath, and that the college would suffer serious detriment for want of a board of direction; that one trustee could not fill a vacancy, or do any other act officially. Judging from the embarrassment to the institution referred to, and supposing that many others are similarly situated, I have made the ordinance general.

I confess, Mr. President, I am unable to see why any member of this body should hesitate, for a moment, to act in the premises, and to vote affirmatively, unless it be from a fixed purpose not to legislate about any matter whatever which is cognizable by the Legislature, let the necessity be ever so pressing, or the injury consequent upon such refusal ever so great.

It occurs to me, if any emergency could induce the Convention to relax the rigor of the rule, which I conceive proper in the main; this is that case; for, you will observe, this application has not been superinduced by any fault or negligence on the part of these corporations, but for want of notice; for I presume the Convention will agree with me that seven days was not sufficient time to enable the whole State to know what was required by the act in question.

The cause of education has, in the last two years, suffered serious detriment, and, I think, very unnecessarily. It is true the troubles of the country have been calculated to affect education to some extent, but it seems that universities, colleges and academies have been sought after as best suited for arsenals, barracks and headquarters for military operations.

However proper, Mr. President, the principle adopted by this body may be in the main, in regard to legislation, I am forced to the conclusion that it is our imperative duty to entertain the proposition now before us. Let us, so far as in our power lies, do all we can to check the downward tendency to vandalism; let us save something, at least, that is valuable from the general wreck.

I move the adoption of the ordinance at once, without printing or reference.

Mr. GANTT. I am sorry that I shall be obliged to vote against that ordinance. It appears to me that it will not only be going beyond the necessary duties of this Convention, but it will be attempting to apply a remedy by what might be called hasty legislation. I shall not hesitate to do anything that may seem appropriate to this Convention, but I think it is eminently proper to avoid doing anything that would seem like hasty legislation. As to the negligent remissness on the part of those who failed to take the oath, I have nothing to say; but I do not think it is a subject on which we should take action.

Mr. SCOTT. It may be that the Legislature was rather short-sighted in not allowing a longer time; but if it is a fact that those officers did not become apprised of the passage of this law in time to take the oath within the prescribed limit, they now know that such a law exists; and, therefore, why is it that the gentleman comes up here and asks that they shall have the time extended for taking the oath to the first of November next?

Mr. WOODSON. Those officers were required to take the oath or lose their seats.

Mr. SCOTT. I understand so. The movement here is an admission that they know of the existence of such a law. If, then, the gentleman only desires to give those officers who did not learn of the passage of this act by the Legislature in time to take the oath within the prescribed limit an opportunity to reinstate themselves in office by taking the oath, why does he wish to give them to November next?

Mr. WOODSON. I am willing to restrict it to thirty days, or ten days.

Mr. Scott. I think six, or even five days enough now, for they now understand all the facts. A very short time only is necessary to comply with the law and take the oath, if they are loyal enough to do it. I would move the reference of that ordinance to a Select Committee of three.

The motion was agreed to, and Messrs. Woodson, Dunn and Allen were appointed the committee.

WESTMINSTER COLLEGE.

Mr. Hitchcock, from a Special Committee, presented the following report:

Mr. President: The undersigned, a majority of the Special Committee to whom was referred the petition of the Trustees and Faculty of Westminster College, in Fulton, Mo., beg leave respectfully to report—

That upon a careful consideration of the prayer of the petitioners they are unable to find sufficient reasons why the Convention should now depart from the uniform rule of action heretofore adhered to by it, under which this body has declined to act upon questions or propositions affecting local or personal interests only. They can find nothing in the facts set forth by the petitioners, however meritorious in themselves their wishes may be, or however free from blame might appear to be the persons who failed to take the oath required by the act of the General Assembly referred to, which entitles them to any different action on the part of this body to that heretofore taken by it in such cases. They therefore recommend that the petitioners have leave to withdraw their petition.

June 18, 1863. Henry Hitchcock,
E. Vanbuskirk.

On motion, the report of the committee was agreed to.

JAS. PROCTOR KNOTT.

Mr. Scott. I desire to offer a resolution:

Whereas the Honorable James Proctor Knott, Delegate from the Twenty-seventh Senatorial District, has removed from the State, and has not resided therein for more than twelve months; therefore,

Resolved, That the seat of the Honorable James Proctor Knott, Delegate to the State Convention from the Twenty-seventh Senatorial District, be and is hereby declared vacant.

At the suggestion of friends, I desire that it be referred to a Special Committee of three.

Messrs. Scott, Gantt and Marvin were appointed by the Chair.

ON EMANCIPATION.

Mr. Woolfolk presented the following ordinance, which was referred to the Committee on Emancipation:

AN ORDINANCE TO PROVIDE FOR SUBMITTING TO THE PEOPLE OF MISSOURI CERTAIN AMENDMENTS TO THE CONSTITUTION, AND A SCHEME FOR THE ABOLITION OF SLAVERY IN THE STATE.

Be it ordained by the People of Missouri, in Convention assembled, as follows:

Section 1. That from and after the date at which this ordinance shall take effect, the first and second clauses of the third article of the Constitution be, and the same are, hereby abolished.

Sec. 2. That after the fourth day of July, A. D. eighteen hundred and seventy-six, slavery and involuntary servitude, except for crime, are abolished; and all slaves on that day within the State are hereby declared to be free: *Provided, however,* that nothing in this ordinance shall be so construed as to prevent the owners disposing of, or removing their slaves from the State before the fourth day of July, A. D. eighteen hundred and seventy-six.

Sec. 3. That from the date at which this ordinance shall take effect, no slaves shall be brought into the State.

Sec. 4. That at the election of State officers, to be held on the Tuesday after the first Monday in November, A. D. eighteen hundred and sixty-four, the several clerks of the county courts, or, in case said clerks fail, then the judges of the election, shall, in preparing the poll-books for election, enter thereon two columns, one headed "for the abolition of slavery," and the other "against the abolition of slavery;" and if the majority of the legal votes given be for the abolition of slavery, then sections one, two and three of this ordinance shall take effect and be in full force; but if the majority of legal votes given be against the abolition of slavery, then sections one, two

and three of this ordinance shall be null and void; and when the result of the election shall be ascertained, the Governor of the State shall, by proclamation, announce the same.

Sec. 5. *Be it further ordained*, That hereafter no Convention shall be called for the purpose of making amendments to the Constitution of Missouri, without the concurrence of two-thirds of the General Assembly in favor of such Convention.

Mr. VANBUSKIRK moved to take up the petition of certain citizens of Andrew county, presented at the last session of the Convention and laid upon the table, praying that the seat of Prince L. Hudgens, a member of this Convention, be declared vacant on account of disloyalty. Additional testimony as to his disloyalty was also introduced, which was referred, without being read, to a committee heretofore appointed, consisting of Messrs. Marvin, Moss, Shanklin, Irwin, and McDowell.

Mr. FOSTER. Mr. President, as a member of the committee instructed to prepare the report just read, permit me to remark that I am fully aware of the position of a great many members of this body, as being opposed to acting in a legislative capacity. It is true, so far as I am concerned, that that has been my general course in this body; but as our Legislature, at its last meeting, failed to recognize any plan of this kind, the subject presents itself to my mind with such force that I am now, sir, inclined to take up the proposition; and if it is a responsibility, I, as a member of this Convention representing a generous people, am willing to assume that responsibility, believing that they will endorse my act in this matter, as they have endorsed other acts I have carried out heretofore.

Believing, sir, as I do, that whether or not this body endorses it, the report embraces a meritorious and deserving subject; of this there can be no question. I would be slow to believe that a single member of this body (although some may be adverse to the appropriation) would oppose the prosecution of the claims of our officers, soldiers, and their heirs. It may be contended by some that the appropriation, or, in other words, the salary of the Commissioner, is too great. The committee had under consideration, sir, a lower salary for the Commissioner, and for him to employ a clerk; but, after investigating the whole matter, we came to the conclusion that perhaps he might get along with employing a clerk a portion of the time; hence we threw the salary to him, leaving him to employ a clerk if necesary. I have been informed by a gentleman who has been in the habit of staying at Washington for months at a time, that board would cost from $700 to $800 per annum, and other expenses in proportion; and we found that a less sum than $3,000, after deducting the necessary expenses of the Commissioner and clerk, would be inadequate to secure the services of a competent man. We then advised the plan of putting the salary of the Commissioner at $3,000, leaving him to employ a clerk when necessary. This is all I have to say upon the subject of the salary recommended.

If I judge the future by the past, I may expect some opposition to this bill from gentlemen outside of those who might oppose it on the ground of refusing to act in a legislative capacity. I come to this conclusion from this fact: if I understood the gentleman from Clinton (Mr. Birch) aright, when addressing this body, (and, as it is not my intention to misrepresent any one, I will thank him to set me right if I am wrong,) he said that the time would soon come when the complexion of the Federal uniform would change to that of a more fitting one; that State penitentiaries would soon become fashionable again, and that the Federal uniform would change from the blue to the striped one usually worn in our penitentiaries.

Mr. BIRCH. I am alike astonished and gratified, Mr. President, that the gentleman from Adair should have alluded, as he has done, to that portion of my remarks, on Monday last, which had relation to those who might "by-and-bye wear the uniform of the *convict*, for having disgraced the uniform of the *Union*." Astonished, that I should have been understood by any member of this body as having made *any* remarks in derogation of the class of citizens who are dressed for the time in that uniform; yet gratified, that it affords me an opportunity to allude very briefly to my past and present relation to our citizen soldiery, which, under almost any other circumstances, would be incompatible with either personal delicacy or conventional good taste. If, after what I may feel permitted to bring into view under the peculiar circumstances of this most *astonishing* assault, any person shall suppose he can procure my assassination by the soldiery, *let him try it!*

Firstly, then, sir, no member of this body

who was *present* during the delivery of my remarks on Monday can have forgotten how *sedulously* I sought to discriminate between the upright men who were *adorning* their country's uniform as soldiers, and the unprincipled ones who were disgracing it as thieves and robbers — that being a distinction I have ever made, and shall continue to make, simply because my homage for the brave *soldier* is in the exact ratio of my abhorrence of his felon *counterfeit*. As I shall ask permission to write out the remarks thus unexpectedly demanded of me, and which I would feel to be both egotistical and inappropriate under almost any other circumstances, I may next be permitted to state that, so far from having *ever* been, in *any sense*, the adversary or *maligner* of the soldier, it happened to me to have been the first man in my section of the State to furnish him with a musket — and this at a time (pardon me, gentlemen) when it required rather more of manhood and *self*-reliance to be a "Union man" than it now does. Contemporary with the massacre at Platte River bridge, when the discreet directory of the railroad from my county to St. Louis was sending through but a locomotive and a tender, bearing their dead conductor, I found strength sufficient, even in opposition to the counsel of brave and true friends, to wrap myself in a soldier's blanket, proceed to St. Louis, and, upon my own bond for $10,000, procure frrom the Governor such arms and equipage as enabled me to supply the first soldiers that were organized in my district, several companies of whom, in less than a week afterwards, obeyed the summons of Pope, and shared the disasters of his regiments at Blue Mills. It may as well be added, that it was only on my way here that I was enabled to render a final act of justice and good will to these pioneer soldiers of the State, by making before the commission now sitting in St. Louis, and of which the junior delegate from Clay is a member, such a voluntary statement of what I happened to know of the *acceptance* of their services by Gen. Pope as will probably secure for those who are living and the representatives of those who were slain their justly merited reward.

As within the privilege accorded to me under the arraignment by which I am so strangely confronted, I may, of course, advert to the ordinance which I had the honor to introduce into this body to provide for *paying* our "six months men" — the best we could then do — and to the amendment to a subsequent ordinance whereby those who had not been regularly mustered into the service were nevertheless to be paid, "*according to the very right*" of their cases, whether *technically* entitled to pay or not. I may next advert (without modesty, of course, considering the prejudices which are sought to be invoked against me) to my voluntary services as an unpaid commissioner, to put their claims, and others, into proper shape, and to certify them for adjustment — to which there may not inappropriately be added the additional and the crowning fact, that *every drop of my blood not "muster free," either continues to wear the uniform of "the Union," or has been expended in its battles.*"

As if even all this, however, might not have been enough to exempt and exonerate me from so wanton and unjust an accusation as the one insinuated against me by the member from Adair, it so happens that my county was the first one in the State to make public response to the Governor's proclamation for enrolling and organizing the militia; and that at its public meeting I was the author of its resolutions, and its only speaker. Still further, Mr. President, and as if *utterly* to confound the calumny into which the gentleman from Adair has been so *strangely* betrayed, there lies now before me the amendment which I have prepared to the ordinance, which he has himself introduced, with the view to furnish his commissioner with a proper clerk, in order thereby to facilitate the adjustment of the claims of *the very soldiers* whom his most groundless and reckless accusation would exasperate *against* me!

Pardon me, gentlemen, as well for the weakness I may have betrayed as for the indignation which I was unable to repress, in view of the fact, that one of your number, with antecedents, associations and purposes such as these, and one, moreover, whose very *nature* would restrain him from speaking even a *word* in derogation of the *true* soldier, should, nevertheless, have been reduced to the necessity to which I have thus yielded. I will but recapitulate, and then sit down until I can offer my amendment "in order," that while for the true *soldier* I have no other words but those of commendation and good will, so, on the other hand, I retract no word of reproach which I have *ever* uttered against the vandal or the *thief*, dressed though he be, for the time being, "in soldier's clothes." Whilst the former is worthy of all honor, and should continue to receive at the hands of his countrymen all proper consideration, we should mutually continue to spurn the

latter, not merely as unfit to wear his *country's* uniform, but fit alone (as denoted in the remarks so distorted by the member from Adair,) for "the uniform of the *convict.*" Having been myself a soldier just long enough to realize the sacrifices and discomforts to which he is subjected, in exchanging the enjoyments of home for the bivouacks of the campaign, no sentiment or expression of mine can ever be so interpreted, by even a fair political *adversary*, as to withdraw from me the reciprocal soldierly regard of all who are *worthy* to wear the uniform of "the Union"; to which it is unnecessary to add more than a reaffirmance of *every word and sentence* upon which I have been so astonishingly arraigned by the gentleman from Adair. Repeating, also, from my speech of Monday, the same exact expressions of "loyalty," I have, of course, no favors to ask, except to be judged of by my *record*, and not by my *calumniators*.

[The following was the language of Judge B., as reproduced from the speech alluded to: "For one, I expect to continue in the Union as long as it even *pretends* to be "*the* Union"; and have no more doubt (in that event) that our slaves now in Kansas will be restored to us under the coming Democratic Administration, than that they have been stolen and withheld from us under the present Republican one — that being precisely the difference between the upright men who will have the offices and "the guns" over there a couple of years hence, and of the associates and commanders of our *negroes*, who too much control them *now*. Penitentiaries, too, will again come in fashion, as the receptacles of thieves and their abettors; and the next Governor of Missouri will doubtless see men at work around the Capitol here, in the uniform of the *convict*, who have dishonored the uniform of "the *Union*," as well by their agency in stealing from *Union* men, as from all others who had anything to steal."]

Mr. Foster. I may be mistaken or misinformed, but if so, it is the language of the gentleman that misled me. I am glad that he takes it all back.

Mr. Birch. I ask not to take it back.

Mr. Foster. I repeat, sir, that I so understood the gentleman; but if he asserts that he did not say so, I have nothing further to remark, except that I can assure him that many other members of this body understood him as I did, and I was pleased that the gentleman should have an opportunity of putting himself right.

Mr. Birch. Will the gentleman read the paragraph?

Mr. Foster. I am disposed to accommodate the gentleman, but I am not disposed to read his speeches. I respect him as a gentleman, and shall ever treat him as such so long as his conduct towards me continues what it has been. And now, sir, I have said all that I desire to say; I would have said more, but that the impression that was on my mind has been corrected. I would like, however, to state what produced that impression: that, after making such wholesale charges against the Federal forces, the gentleman from Clinton did not explain that he made no reference to the thousands and tens of thousands of officers and soldiers who wear their uniform with credit to themselves and to their country; and also, that although he was exceedingly severe upon the conduct of the Federal forces, he said not a word about the jayhawking, bushwhacking, thieving and murdering guerrillas that have infested this State.

I am not going to impugn the motives of any gentleman; I do not intend to say that any man is a traitor, or a tory; but I do intend, whenever an individual is arraigned in this or any other body with which I am connected, then and there I will express my opinion about it.

I desire, sir, the adoption of the ordinance before the Convention, because I regard it as but simple justice to the officers and soldiers who have, from the first, defended the flag of our country. I believe, sir, it is as little as this body can do; I believe it as little as the State of Missouri will desire to do. There is no proposition that would recommend itself more to me than one for the doing of anything and everything that is honorable for American citizens to do, for the good and prosperity of the men who have undertaken to crush out the merciless foes who are a scourge to the State and a disgrace to humanity. No proposition, that was a question of mere dollars and cents, that could come up in this or any other body, would commend itself more fully to my consideration, and, I feel assured, to the State of Missouri generally. I stand here, sir, responsible for my words; and I say, while it is true that a better or more noble and gallant set of American citizens never marched under a banner, or to any battle-field, than the Missouri troops—for it is a matter of fact and history

that no Missouri regiment upon the battle-field has ever turned its back to the enemy—I regret to say, for it is a stubborn fact and well known to the country, that while Missouri troops have had less notice and attention paid them, they have done as much hard fighting, made as many and as long marches, and have sacrificed as much as any troops from any other State, it is a patent fact that less notice has been taken of them than of other troops. Why this is, I can account for only by supposing that the citizens at home do not take that interest in common with our troops that has been manifested by the people of other States: and the reason, sir, I take to be that the majority of the people at home do not endorse from the bottom of their hearts the cause that the Missouri troops and the Federal forces are engaged in. It is true that while people in certain portions of the State do, it is equally true that in many portions they do not. When I speak of the people, I mean majorities.

I know it is the case in my quarter, that every individual man is now prepared to say, "I am a law-abiding man—I am a constitutional man—I never violated a law in my life." They are all prepared to say this; and perhaps two-fifths of them are what I would denominate spike Union men—spiked by the force of circumstances.

In this particular I am a Methodist: if a man started out wrong, I am willing to take him on probation, and see whether he will do right or not; but I can have no confidence in a man of sound mind and mature years who deliberately determines his course upon this question, and starts out in opposition to the Government of our fathers, made for themselves and for their posterity; at the same time I admit that many good men, under the influence of designing persons, have been led astray. But yet, sir, there is a certain class in my community, and all through Missouri, whom I have always regarded as worse enemies to the Government of the United States than those who have had the manliness to take up arms and declare themselves in open rebellion against their government. I allude to those men who claim to be peaceable and law-abiding citizens, who are always active in promulgating this opinion on the street; but when the cover of night comes on, they gather in secret caucuses and incite unsuspecting men to open rebellion to the United States. This class of men is insignificant in point of respectability, as compared with the man who shoulders his musket and marches out against the flag of our country, and makes a target of himself to be shot at for the cause he engages in. There is something manly about it, although his course is wrong; but the man who makes himself to appear before the public as endorsing law and order, as never violating the law, and as having no desire to do so, and who yet brings all his wisdom to bear to concoct some plan by which he may induce others to violate the law, he is decidedly the most abominable and contemptible man that we can behold.

Excuse me, sir, for such harsh expressions; but I have been laboring in the cause of my country during this whole struggle, and sometimes I feel that forbearance ceases to be a virtue. Permit me to say, sir, for I speak knowingly, that in a civil war like this of ours that is raging all over a prosperous country, or wherever an armed body of men goes, there will be more or less depredations committed. You may appeal to every officer, I care not what his rank may be, and he will be prepared to say with a clear conscience, that he did everything in his power to prevent the commission of any wrong or outrage, and yet that officer may have to acknowledge that wrongs have been committed; and the man who believes that a thousand men, a brigade, or a division of an army, can be conducted through a country and no wrong be committed, has a very limited knowledge of an armed body of men. But, sir, admitting that many men and officers have committed wrongs, is that an argument, sir, that we should turn against a principle that, from a calm consideration, we have endorsed? No, sir. And here I take occasion to say, that while I think a different policy should have been adopted in some departments, or even by the administration, yet no officer lives upon this earth, let his conduct be ever so contemptible, that would cause me to turn against the Government. The course of President Lincoln has not been what I could have desired, but it has failed to turn me against the Government. I do not wish to be understood as condemning the course being pursued, but I do believe, sir, that a different policy would accomplish the great end sooner. But I am not arguing that; if I were, I have no views to conceal.

This is how lukewarmness is created. Union men endorse the cause of their country to all intents and purposes; yet, sir, through prejudice and passion, occasioned by the wrong doing of certain Federal officers or troops, they allow themselves to be excited, abandon their

cause, and throw themselves into direct opposition to the Government. This is not sufficient to justify a denunciation of our Government. A man has no right to be against his government, legally, morally, or otherwise; and the man that casts his influence against his country in a cause like this, is no man for me. I can treat him as a gentleman so long as he treats me as such, but his cause is unworthy to be endorsed. These are among the reasons why our Missouri troops have been neglected as much as they have been.

When it was the lot of your humble speaker to be connected with the army of the Mississippi, when the Governor, or a delegation from the State of Illinois, or Indiana, or Wisconsin, or Michigan, would come down and visit their troops, and inquire what they needed, why, their soldiers were all made alive by such attention and consideration. But how was it with our poor God-forsaken Missourians? They had no one to visit them that I ever heard of; they never were blessed with the presence of a single official or agent sent there for the purpose of inquiring into their condition and wants. No, sir; they were simply thrown into the field, and if we got anything, all well; but our destiny was to go on and fight anyhow.

I desire the passage of this ordinance for this additional reason. If you go over the country, sir, as I have done, you would find that the wounded soldier and the widows and orphans of our brave soldiers but too often fall a prey to some wretched, three cent picayune, jayhawking lawyer that is to be found in most parts of the country. Here, perhaps, is a poor widow whose husband has fallen in defence of our common country, perhaps at Corinth, or Shiloh, or Iuka; the widow presents her claim, says she believes she is entitled to some pension, and she greatly needs help for herself, and possibly her babes. "It is a very hard case," replies the lawyer, "but it is very doubtful whether I can do anything for you, very doubtful indeed." "I am very poor," urges the widow. "I have nothing; I have to work for the support of myself and children." "But it is a very difcult case," replies the man; "but as you have no money to pay me for pressing your claims, and as your husband was in the Federal service, and was killed, if I never get anything I will not charge you for my trouble; but if I succeed, it will take a long time, and I shall have to charge you 25 or perhaps 50 per cent. for pressing the claim"; and perhaps this three cent picayune disgrace to the law is so ignorant as not to know how to make out the necessary papers, and will very probably have to go to some one for the requisite information.

It is a very small pittance even if ten thousand men were to concur to raise it, but for Missouri it is but a trifle; and there is not a Union man in the State who will oppose it, that is, on principle; he may upon other grounds. He may oppose it on the ground that this body should not use legislative authority; but for no other reason can any honest man oppose it. In my quarter, most of the loyal men have been engaged in the military service; and the speculation in greenbacks, which has been rife all over the country, as far it has been carried on in my part of the country, has been by those citizens who are against us in this struggle; and if I had wisdom enough to mark the point of separation, I would make the sympathizers in Missouri pay for the claims. I want to make those men who say they are loyal and for the Union, and never violated a law in their life, assist to pay the expenses of collecting the claims of those soldiers who have defended and fought for the flag of their country.

Some say wait for the Legislature to take up this subject. There has been too much delay. The Legislature certainly ought to have passed an act last winter. I am not disposed to let the opportunity, perhaps the last in my life, pass by. I am here to demand what I conceive to be the right of our officers and soldiers, and the widows and orphans of men engaged in the most holy cause for which men have had to fight since the days of the revolution. It was our forefathers that established this Government; and it is for you and for me to-day to act in our proper places for its maintenance. I could not discharge my duty to my people nor to my God were I not to prosecute this war for putting down the rebellion and restoring order, whether as a citizen, a representative of the people, or in any other capacity, until the day of my death, or until this wicked war against the government of my country shall cease.

Mr. BIRCH. I will now read and offer an additional section to the report of the Committee to whom was referred the State Auditor's communication on the establishment of an agency in Washington City to attend to the claims of Missouri soldiers:

"Section 7. *Be it further ordained*, That that the said Commissioner shall be author-

ized to employ a suitable clerk, at a salary not exceeding $1,500 per annum, to be audited and paid as the salary of the said Commissioner."

I have been at Washington often enough to know that only a man of first class industry and intelligence would be fitted for this post, and I have no doubt the best discretion of the Government will be exercised in the choice of such a one. The office will be no sinecure, but will be one needing the greatest energy, industry and integrity; for it will be possible, even in this position to speculate upon the soldiers. And the duties of the clerk will not be less arduous. I think an appropriation of $10,000 will perhaps cover the expenses of both Commissioner and clerk.

Mr. IRWIN. I desire to ask my colleague whether, in presenting his report, he should not state to the Convention that the committee fixed the salary of the Commissioner at $3,000 to enable him to employ a clerk if it should become necessary.

Mr. FOSTER. The committee had under advisement the appointment of a clerk — the Commissioner's salary to be $2,000, and that of the clerk $1,200 or $1,500; but, as a matter of economy, we thought it best to fix the Commissioner's salary at $3,000, leaving him to employ a clerk only a part of the time. If it had been the intention of the committee to appoint a clerk, the salary of the Commissioner would have been reduced, as I think it should be, by at least $500.

Mr. HITCHCOCK. I suppose there will be no difference of opinion as to the importance, and more than propriety, of making some provision by which the claims of officers and soldiers shall be prosecuted at Washington. There is, undoubtedly, a great deal of truth in what has been said as to the danger that many of these claims of our deserving soldiers may possibly come into the hands of unscrupulous and designing persons, eager to profit alike by their necessities and their ignorance of the necessary forms.

The very fact that the ordinance provides for these most deserving men, whose gallantry and courage we all appreciate, and to whom we are indebted for our own safety, suggests to me the necessity of a very careful consideration of all the features of the ordinance.

I am not sure that the ordinance is perfect. It appears now to be a matter of some doubt whether it will not be advisable to appoint a clerk, in addition to the commissioner, and I agree with the gentleman from Clinton that it is extremely doubtful whether any one man will be able to do properly all the work that the office will necessitate. It is therefore essential that a careful consideration should be given to that, as well as to the amount of the compensation.

Great energy and unquestioned integrity must be united in the person of the commissioner, should one be appointed; and the compensation should be such as to induce a proper man to undertake the work. There must be no unwillingness to pay for the services of such a man as *ought* to be employed. I have often thought that in this, and other States, a wretchedly false economy in this respect has cost far more in the end than the apparent saving. I am therefore inclined to think it may be better to have this ordinance printed. It occurs to me, also, that it is evidently necessary to enforce, by suitable penalty, the provision against the commissioner receiving anything from those whose claims were to be prosecuted. Of course, if a suitable man be appointed, this penalty will never be enforced, but wise legislation takes no such risks.

Mr. FOSTER. The ordinance declares he shall not receive any compensation.

Mr. HITCHCOCK. True; but it prescribes no penalty if he should; and a law without a sanction is no law, but merely good advice. There has been no set action, thus far, throughout the State, with regard to supplying our citizen soldiers; but the inhabitants of St. Louis have done their part, as loyal citizens, towards relieving the necessities of our soldiers; and in many parts of the State loyal and noble spirited men and women have, in self-sacrificing efforts, generously contributed their means, time and efforts for the comfort of our soldiers; and I am sure my friend from Clinton county did not intend to overlook them, and it is because his remarks might be construed to imply a neglect of our soldiers that I proposed to supply the deficiency. I know from the newspapers and from current reports, that this is true all over the State; and I, as a member of the delegation from St. Louis, must bear testimony to the noble labors of the Sanitary Commission, and the Union Aid Societies, whose members have given their time and means without any reward but that which the discharge of a patriotic duty brings with it. But not only has St. Louis thus assisted in those most noble and most important labors; supplies have been gathered, and the

means of distributing them provided, and generous contributions have been made throughout the county and city of St. Louis for the relief of our soldiers' widows and orphans.

I desire to move that the ordinance be printed, and that it may be made a special order, that during the interval we may all carefully consider what steps it may be necessary to take.

ON EMANCIPATION.

Mr. ALLEN. Mr. President, I move that the Committee on Immediate Emancipation be ordered to report. It is simply to make a remark or two with reference to this subject that I rise. I am one of that class of men who endeavor to obey the instructions of their constituents; and I offer this resolution simply that the views and wishes of a portion of the constituents whom I represent here may at least be considered by the committee in making their report to the Convention. Ever since this question was first mooted in the State, I have held it to be one of great moment to the State and to the people. It is a matter requiring a great deal of thought and meditation; it must not be hastily treated; it affects the interests not only of the white, but of the black man.

I am not disposed to urge my peculiar notions, or to consult alone my private opinions; but while acting for the people I must carry it out, or resign my position as a public servant. Although I admit there are difficulties in the way of immediate emancipation, yet I offer that resolution, as before stated, to show the desire of a portion of my constituents. I desire to act for the good of the whole country; for the good of the black man as well as the white, in this critical question. It must be looked at dispassionately. The good of the whole country should be considered by this Convention, as, indeed, I believe it has been from the first assembling of this body. I believe, sir, that this Convention is as self-sacrificing and deliberative a body as has ever assembled in the State of Missouri. I have been astonished at the self-sacrificing disposition that has manifested itself in this body since its organization, notwithstanding the imputations cast upon it by its enemies. We witnessed here in session, a year ago, a disposition manifested by many members of this Convention unsurpassed by any assembly ever convened; we sat here and saw members who were former members of the Legislature, vote themselves out of office, exhibiting that kind of patriotism that should characterize the conduct of the citizens of this country generally. And men who have been accustomed to slavery all their lives—wedded by custom to the institution—perhaps a majority of the members of this Convention have come up here as slave-owners, to act in reference to the subject of emancipation, and, I have no doubt, with the determination to adopt a system of emancipation. They come here for the purpose of making that sacrifice, though opposed to their own pecuniary interests, believing it to be for the best interests of the State of Missouri.

I wish, sir, to allude to a classification of the members of this Convention which appeared recently in the *Missouri Democrat*. I do not suppose we shall ever see the time when we shall please everybody, or that the time will ever come when we shall see alike. I was classed among the "copperheads;" and I demur to that, if I understand what is meant and what the people understand by "copperhead." If I had been called a *copperbottom* I should not object, because I should have understood that to imply that I had settled down firmly in the Constitution of the country, and in favor of the Union of these States. I am willing to support and uphold my Government so long as two States in it will hang together. That is the kind of copperbottom I am. I do not want to be coupled with the copperheads, if I understand what is meant by that phrase.

I have never been very tenacious upon this subject. I would have been very willing, at the last session of this Convention, for the ordinance introduced by Mr. Breckinridge to have passed. It was thought, however, that the time had not arrived; that the public mind was not prepared for the change, and in all probability the Convention acted wisely. But the time has now come, and I presume we are self-sacrificing enough to do what we deem to be best for the whole country. I have but a small interest in that species of property, but I would sacrifice that, and a great deal more, for the sake of restoring peace and quietness to our country, and placing things in such a condition that law-abiding men can be safe in life and property, and in the pursuit of happiness. If the emancipation of the last slave in the country will aid in restoring peace to our distracted and bleeding country, let it be done. God knows we have had trouble enough, misfortune enough, and crime enough committed in our State. I long to see the time when every man that *is* a man will stand up in defence of law, and justice, and right; but until the

people shall arise in their majesty and enforce the laws of the country, we shall never have any peace. Thieves and robbers are the order of the day. It is a misfortune that attends and follows upon the heels of war and revolution. The worst passions of human nature are stirred up; and men, seeing that the civil law cannot be enforced, destroy property, commit depredations of all sorts, and ruin men who are peaceably disposed. It is a state of things that should be avoided, if possible, in the future; and I trust that every lover of his country will do what may be needed to restore peace to our distracted land.

Mr. ORR. I move the adoption of the resolution of the gentleman from Harrison, (Mr. Allen.).

Mr. ALLEN having been informed that the Committee on Emancipation was about ready to report, asked leave to withdraw his motion, which was granted.

Mr. ORR offered the following resolutions:

WHEREAS this Convention and the community have been deprived of the services of Judge Littleberry Hendricks, who died at his residence, in Springfield, on the 10th of January, 1863;

Resolved, That in the death of Judge Hendricks this Convention has lost a valued and able member, whose intellectual and unyielding devotion to the Constitution and laws of the country rendered him an able and efficient member of this body; that by his death the nation has lost a devoted patriot in this dark hour of her history, the society in which he moved an ornament, and his family an affectionate husband and father.

Resolved, That in testimony of our appreciation of the deceased, and from due regard to his memory, this Convention will now adjourn until to-morrow morning at 9 o'clock, and that the members wear the usual badge of mourning during the present session.

Resolved, That we tender the condolence of the members of this body to the family and friends of Judge Hendricks in their bereavement; that these resolutions be spread upon the journal of this Convention, and that a copy thereof be prepared by the Secretary and forwarded to Mrs. Hendricks, the widow of the deceased.

Mr. ORR then delivered the following eulogy on Judge Hendricks:

It is proper that I should, in announcing to this body the death of our esteemed fellow member, Judge LITTLEBERRY HENDRICKS, (he having been one of my colleagues,) bear some testimony to his character and worth.

I am not prepared to give a history of the deceased during his youth and early manhood, I have only known him since 1852. I learn from the journals of this Convention, that he was born in the State of Virginia, about the commencement of the present century; so that his earthly career, in my opinion, was at a time, and in a land, affording greater hope to the lovers of civil and religious liberty than any in the history of the world.

I learned from the deceased, that in the spring-time of life he was an humble mechanic, a brick mason, gaining his bread by the sweat of his face. After being somewhat advanced in life he studied the profession of the law, under the tutorship of Judge Abiel Leonard, for whom he ever after entertained the highest regard.

I knew him intimately as a lawyer during the last ten years of his life. He was not an orator; he was naturally timid and unassuming, but from his strong intellect, quick perception and retentive memory, his client felt assured when he placed his cause in the care of Littleberry Hendricks he would have the benefit of all the law. I hazard nothing in saying he was the first lawyer in our section of the State, and the best practitioner with whom I was ever acquainted. He had for many years an extensive practice, sufficient to have made nearly any other man rich. He was an indifferent financier; never sued a man in his life, and seldom ever asked for that which was his actual due.

As a temperance man, I knew Judge Hendricks well. He was never a drinker. He was a member of the old Washingtonian Society for many years previous to the formation of the society known as the Sons of Temperance. When I first became acquainted with him, the town of Springfield was overrun with dram shops. The youth of the country were by them being allured from the paths of rectitude, and educated in every species of vice and crime, until the gray-haired father and broken-hearted mother were made to mourn over their darling boy that had once been the hope of their declining years, and to look upon their little bright eyed girls as doomed to become

the wives of drunkards. At this gloomy period Judge Hendricks became a member of the Sons of Temperance as well as the Good Templars. He took a bold stand in the temperance reformation; lectured and wrote, and I am happy to know that the weight of his influence, with that of other gentlemen and ladies, had worked such a reformation in that locality, that when the present unhappy rebellion was inaugurated there was not a dram shop in our county, and ten thousand dollars would not have procured one. But, alas, how changed the state of morals in that county now! The general crash that has ruined the hard earned fortunes of men of wealth in the once happy and prosperous land—that has caused suffering, sorrow and death—is light when compared with the wreck of morals and of mind that have followed in its train.

When the fanatics north and south hurled us into this maelstrom of destruction contrary to the known wishes of the masses of the people, Littleberry Hendricks, though not a politician, became a candidate for a seat in this Convention. I canvassed the district with him. He, Judge Jamison, and myself, had all opposed the election of Mr. Lincoln; he had voted for Mr. Douglas and we for Mr. Bell, but when Mr. Lincoln was declared elected according to the forms of law, he, as well as we, used his influence to satisfy the voters of our district that it was the duty of every good man to stand by Mr. Lincoln as long as he would stand by the Constitution and laws. I have told you that he was not an orator, but I shall never forget the appeals made by Judge Hendricks during that canvass, in favor of the Constitution, the Union, and the enforcement of the laws. If a prophet had made his appearance on earth he could not more clearly have foretold the state of affairs that would follow an attempt to break up this, the best Government in the known world. He admitted that the people of the slave States had been badly treated by individuals in the north, but denied that any man had ever been wronged by the Government—that for every wrong there was a remedy *in* the *Union* and under the Constitution and laws, and proposed to quit the canvass if our opponents would point out one solitary evil without its legal remedy. He made a speech at Galena, in Stone connty, a few days before the election, one hour long, which for clear demonstration, sound reasoning and forcible argument, in my judgment, surpassed any effort I ever heard by any man; and as an evidence of its appreciation by others, I believe we got the votes of every voter in the county then present except one. He was elected by an almost unanimous vote. How he discharged the arduous duties devolving on him after the Convention met, you are apprised. I have the pleasure of knowing that he and I uniformly voted and acted together. When some of the friends of the Administration commenced urging radical measures, he then as earnestly contended that we be governed by the Constitution and laws, as he did when canvassing the district. He said Jeff. Davis and his followers had set out to break up the Government by breaking down the Constitution and laws; that *we* had set out to prevent it; and unless we closely adhered to it we could not expect Union men of the South or misguided Secessionists to come back.

At the time of his death he was Judge of the Fourteenth Judicial Circuit, having been appointed by Governor Gamble, and was giving universal satisfaction.

He is buried amid the ruins of the home of his adoption, murdered, not by pistol and sword, but by the rack of mind caused by an over anxious desire for the perpetuity and welfare of, and dark foreboding fears for, the destiny of his beloved country.

I believe he was truly the noblest work of God, an honest man.

The resolutions having been adopted, the Convention adjourned to Saturday, 9 o'clock A. M.

SIXTH DAY.

JEFFERSON CITY,
Saturday, June 20, 1863.

Convention met at 9 o'clock A. M.

Prayer by the Chaplain.

Journal read and approved.

Mr. WOODSON, as chairman of the committee to whom was referred the ordinance concerning incorporated institutions, made the following report, which, on his motion, was laid upon the table, subject to be called up at any time:

Hon. ROBERT WILSON,
President of the Convention.

Your committee to whom was referred the ordinance concerning incorporated institutions, having had the same under consideration, beg leave to submit the following report:

In order to avoid what might be regarded unnecessary legislation, they have so modified said ordinance as to make it applicable to incorporated literary institutions only; and have limited the time in which the curators, officers or trustees thereof shall be allowed to take the oath, provided for in the act in question, to the 1st day of August, 1863, thereby restricting legislation within the narrowest limits possible, and allowing no more time than what is reasonable to afford delinquents an opportunity for reinstating themselves, if they shall so desire.

Your committee believe that the condition of many of such corporations, especially Columbia Christian Female College, Columbia Baptist Female College, and Westminster College, (and from the limited period allowed, seven days only, for taking the required oath, it is fair to suppose many others are similarly situated,) render it highly necessary and proper that the Convention grant the relief provided for by the ordinance.

Your committee are aware of the disinclination on the part of this body to do anything that properly belongs to the Legislature; but inasmuch as a delay until the next meeting of the General Assembly would occasion much embarrassment, if not positive injury to the institutions named, they trust the Convention will forego such objections, and except this application from their uniform practice. If any interest, other than our educational were likely to be prejudiced by the rule of the Convention, the injury would prove less detrimental to the public. Let us foster and cherish education, by affording to it all the aid and facilities within the scope of our powers to grant; and especially, as in this instance, where the necessity for granting relief has not been superinduced by any fault or wilful negligence on the part of those corporations.

Your committee therefore return to the body, of which you are the presiding officer, the ordinance as modified, and respectfully ask its adoption.

W. WOODSON,
J. S. ALLEN,
GEORGE W. DUNN, } *Committee.*

ORDINANCE TO PROSECUTE MISSOURI CLAIMS.

Mr. FOSTER asked leave to amend the ordinance for the appointment of a commission to prosecute the claims of Missouri soldiers. The amendments, which consisted of slight verbal alterations, were agreed to.

Mr. STEWART desired to say that he should record his vote in accordance with his feelings in the matter, At the same time, he believed it to be improper for this Convention to enter upon any such special legislation as the appointment of this agency implies. He was opposed to any sinecures, but he believed it due to the soldiers of the State to have a fair representation at Washington, and in the Congress of the United States—somebody that would attend to their interests; but he was perfectly satisfied that a commissioner, with a salary of $3,000 a year, and said salary to be paid in advance, would not attend to the duties required of him. He had noticed that when a man was paid a big salary in advance, upon the idea that he is a faithful representative, he is very apt to be remiss in his duty. He would, nevertheless, vote for the Washington State

Agency, because he would put himself upon the record as doing nothing to conflict with what he conceived to be for the good and interest of the soldier; but he should vote with a mental reservation that the commissioner would not do his duty. Missouri was willing and abundantly able to pay a commissioner $3,000 to any one able and willing to look after the soldiers' interest; but from his present conviction of what would be effected by the appointment, he would not give much for the benefits resulting from it. If the report was adopted, and it resulted in any good to the soldier, he should rejoice, but his belief was it was a rank humbug—but this was the age of humbugs. He should prefer to refer it to the Legislature; but if the Convention, during its short-lived session, thought proper to act, he would vote for the adoption of the report.

Mr. IRWIN. I doubt very much the propriety of attempting to legislate upon a subject which clearly does not come within our province. Had there been no State Legislature in existence, the case would be different; but we *have* a Legislature, and one elected long since this Convention was brought into existence; and that being the case, I think it is highly proper that this Convention should not proceed in a matter of this kind. If this rule were departed from in any instance, I admit that it might be for the class sought to be benefitted by this ordinance. The ordinance purports to be for the benefit of our brave soldiers. Permit me to say, sir, that I stand here as the friend of the soldier—and I think every gentleman present stands in a like position—and it would afford me the greatest pleasure to do anything in my power, as a member of this Convention, to aid the brave men who have made such sacrifices in the hour of their country's need, but I am far from being convinced that this would be attained by the passage of this ordinance. If this commissioner were appointed, it appears to me that all the necessary papers would still have to be prepared here, and that most, if not all, the expenses now attending proceedings of this kind would have to be incurred before the papers reached the commissioner at Washington; and if that is the case, it is clear to my mind that this ordinance would be far from effecting the purpose for which it is intended. I must repeat, sir, that this legislation is not the legitimate business of this Convention. It is true, sir, we have perpetuated our existence from time to time, and this body has been looked upon with suspicion, growing out of the fact that they have assumed powers for which we were not elected; but I think, sir, we should not, in this case, take upon ourselves powers that belong only to the Legislature.

Mr. PHILLIPS. I do not rise for the purpose of urging upon this body its duty towards our soldiery. I presume there is not here a patriotic heart that does not throb with a desire to extend to them the hand of alleviation and charity. The hearts of us all must beat with exultant pride as we contemplate the fields upon which our volunteers have illustrated anew our valor, vindicated our patriotism, and made us the palladium of the Union. They command our admiration, as they deserve our liberality. But it occurs to me that there is in the minds of many a misconception of the issue presented in the ordinance; and as to its merits, from my relation to the army, I may not vainly claim to speak of the importance of the agency sought to be established.

Missouri has a large army in the field, from which a large number of soldiers are being daily discharged on account of disability and other causes incident to the hardships of the service. These men are generally, from their vocations in life, unacquainted with the process to be gone through to secure their claims against the Government, and, "*ex necessitate rei*," are compelled to procure the services of an attorney or agent; and as an evidence of the immense amount of business growing out of this necessity, there may be found at every military post in Missouri agencies and "sharpers," who are not only making a living, but are accumulating money by attending to these claims; and, whilst there may be honorable exceptions, the great majority of these agents are most unscrupulous in their charges, and fleece the soldier out of a large share of his hard-earned money.

The discharged soldier returns to his home with the pecuniary fruit of his services in his final statement papers. He finds his family in penury and want—their scanty dress and skeleton forms pathetically pleading for the bare necessaries of life. The soldier prostrate upon a bed of lingering disease, unable to look after a claim, perhaps made difficult of collection by reason of the positive inefficiency or negligence of his officers, delivers it over to an agent, and this avaricious monster, taking advantage of the extremity of the soldier, charges him twenty or perhaps fifty per cent for the collection, which costs the agent the labor of writing two or three letters.

These gross impositions are being practiced throughout the broad extent of this State, and cry out to this Convention for succour. Shall we not hear this cry? The sum of ten thousand dollars proposed to be appropriated by this ordinance for the soldiers' relief is a small pittance, and will not be felt by the people in the aggregate. But, the exactions made upon the individual soldier is a burden grievous to be borne, especially when his wife and little ones are dependent upon his meagre wages for the bare supplies of life.

Another evil to be remedied by the establishment of this agency, is the impudent interposition of a set of *jobbers*, who are engaged in seducing from the service a certain class of soldiers. There are all over Missouri, in almost every village, a set of legal gentlemen whose love of their profession and its emoluments is stronger than their valor and patriotism. Often these lynx-eyed votaries of mammon get hold of a complaining soldier, persuade him that he is permanently disabled, and engage to secure his discharge, collect his pay and his pension. I have had men to desert their command, and others go home on furloughs, and be surprised to receive letters from local attorneys and agents, asking that I would be so kind and obliging as to have furnished the discharge and final statement papers of such a man, in order that they might be enabled to secure *for his family (!)* pay due, pension, &c. And not unfrequently these meddlesome fellows will actually persuade a man that he *is* sick even unto death, causing the victim of their rapacity to hang and pule around a hospital, until the Surgeon, worried into the idea that there must be some occult disease eating away the life of the deceiver, writes him out a certificate of disability pregnant with all the technicalities of the profession and as long as an authoress's preface to a book.

I have been unspeakably annoyed in this particular; and no doubt but my experience is that of every regimental commander in the service. Let this wrong find its correction in the establishment of this agency, at once protecting the soldier and the service.

It is argued by the gentleman from Buchanan, (Mr. Stewart,) that this is an attempt to create a mere sinecure office for some gentleman who will spend his time in revelry, consume our money in oyster suppers, and wholly neglect the interests of these soldiers. Now, Mr. President, if there be any virtue in this argument, it would apply with equal force against any other official incumbent. You might upon the same parity of reasoning argue against the propriety of sending to Washington City a Senator or Representative, if revelling and eating oysters are insurmountable objections. You might as well refuse to send a delegate to this body if revelling, eating oysters, or drinking whisky, are to work a disfranchisement of any part of the people. In the very nature and organization of our Government we are bound to trust men in a representative and fiduciary capacity; and all that can be done by those so delegating and trusting a man, is, by precautionary legislation or cautious contract, to throw around the agent all the safeguards and restraints possible. This is carefully provided for in the ordinance. The tenure of the Commissioner's office is made to depend upon his integrity, fidelity and activity. He by no means is invested with a life estate. He is the appointee of the Governor, liable to have his appointment revoked on the first occasion of any dereliction or delinquency. Added to which is a strong penalty attached by the ordinance to any malfeasance in office. The objection therefore of the gentleman is fully answered in the provisions of the law creating the office.

Again it is contended that there is already ample provision in the law to protect the soldier against the exactions of self-constituted agents, and officers at Washington City whose duty it is to attend to such claims. This may be true. But the soldier is ignorant of these acts of Congress, and he would have to pay a lawyer five dollars to inform him about them; whereas the fact of a General Commissioner at Washington would be known in every tent in the army, and for *three cents* the soldier could get all the necessary information and forms in blank. It is true there is a Commissioner of Pensions at the national Capitol; but his is a national work. Without some one whose especial duty and interest it is to look after individual interests, to spur up the department clerks and urge on a particular claim, it will lie there for months, if not years, buried amid the rubbish of accumulated business, and the hand of resurrection would find the soldier and his widow long asleep in their graves before these claims would be reached by the tardy hand of an official who takes them up only *in their order*.

The legal objection taken to the passage of this ordinance may not be without force. It

perhaps may not have been contemplated in the organic act of the Convention that matters of special legislation should be acted upon by us. But the creative act of this body is so comprehensive and far-reaching, that I am not prepared to say that we may not lawfully pass this ordinance. Certain it is that the Convention has often exercised power extraordinary, evolved out of the very necessities of the case and the inexorable emergencies of the times. The incalculable amount of good to be accomplished by this action would be a sufficient justification for the exercise of a doubtful power. A persistence in this species of special legislation must be entrusted to the wisdom and prudence of the body to check and strangle whenever it becomes pernicious or dangerous.

Refer this question to the Legislature, and it may sleep the sleep of death, or they may defer action upon it for months. In the meantime the interests of your soldiery are suffering and perishing, and these legal vampires throughout the State are sucking away the very life substance of the widow and orphan of him who has fallen in the war for the Union.

Mr. McFerran. I must enter my protest against laying this matter on the table. I regard this ordinance as one of great importance to a large class of the people of this State. It is an ordinance, sir, for the benefit of the widows and orphans of those who have been engaged in the service of their country; and I shall exceedingly regret if the Convention should postpone a matter by which so much good can be done at so small an outlay. It is to be regretted that the State of Missouri, the State Legislature, and the Convention, have so long delayed to do justice to the claims and wants of her soldiers in this respect; more especially as other States have, by the appointment of agents to visit the battle-fields, and by other means of relief, aided those of their own States who have fought and suffered in the cause of their country. It is unfortunate for the reputation of Missouri that nothing of this kind has been done by our State authorities; and now, when it is proposed here to appropriate a pittance for the benefit of that class to whom we all owe so much, or to the widows or orphans of those who have fallen in the defence of their country, an attempt is made to postpone it, or to defeat the measure entirely. I trust, sir, it will not be delayed, but that the ordinance will be passed unanimously.

Mr. Sample Orr was opposed to the adoption of any such measure by the Convention. It was not their province to legislate upon such matters, or vote money for any such purpose. An attempt would be made, he fully expected, to prejudice the soldiers against those who did not vote for the adoption of the report, and as opposing the rights of the widow and orphan. The blood of Missouri's sons had been freely shed, and their bones were whitening every battle-plain; and it was the duty of citizens to do anything and everything they could legally do to ameliorate the condition of the wounded and disabled soldier, and the widows and orphans of those who had fallen. But he could not vote for the proposition, even though he should risk being pointed out as the soldier's foe, with a view to his assassination. He took the ground that they had not the power, legally, to carry out the recommendations of the committee. It was properly the duty of the Legislature, which would assemble in a few months, and he was quite willing, should it be thought desirable, to recommend the measure to the Legislature; and also the propriety of voting ten or a hundred thousand dollars to meet the wants and necessities of our soldiers. He was adverse to the creation of more new offices. The country was filled with Federal officers, newly appointed, and he hoped no more would be appointed unless some better reason could be given than had yet been advanced. He contended that the impositions now practiced upon soldiers would be little if at all abated by the appointment of a commissioner at Washington. With this commissioner or agent at Washington, the necessary papers would still have to be made out here, and occasionally your "three cent picayune lawyers" would be employed to prepare and forward them, and he doubted not that nearly if not the same amount of imposition would be practiced as was the case at present.

Mr. Gravelly. I understand, Mr. President, that nearly every State in the Union has done something in the direction in which we are now asked to legislate. I think, therefore, the proposition of the gentleman from Adair is, on public grounds, eminently proper and deserving the consideration of the Convention. It was for that reason I moved its reference to a committee. That committee, which was appointed by the President, have unanimously recommended the passage of the ordinance now before the Convention. I am somewhat surprised at the arguments gentlemen have used in opposing this ordinance. The gentleman from Greene says he is in favor of aiding the

soldier and appropriating money for his benefit, and doing all that is possible to advance the interests of the discharged soldier, and the widows and orphans of those who have fallen; but he thinks this is a move in the wrong direction. Almost every State has made arrangements of this character, and the remarks of the gentleman from Adair ought to satisfy the Convention that great injustice is being done our soldiers, who are being discharged for wounds and sickness, and the widows and orphans of those men, who are now allowed to fall a prey to the speculations of land-sharks, but which might be avoided by the appointment of a commissioner at Washington, whose duty it would be to attend exclusively to Missouri's claims. It is unfair, sir, to say that the claims of our soldiers would not be attended to by our agent in consequence of idleness and dissipation. It is unfair, sir, to suppose that so unfit a person would be appointed; but if such a thing happened, it is equally unfair to assume that he would not be instantly removed, and a more faithful officer put into his place.

Another reason urged against this measure, and one deserving of more serious consideration, is, that it is the proper business of the Legislature, and should be left for them, and that it would be disorderly for the Convention to interfere in the matter. But you must recollect that the Legislature does not convene till November, while there are thousands, and perhaps tens of thousands, of claims of this character that need immediate attention. I have no doubt, if the measure is defeated now, it will be passed by the next Legislature; but, in view of the pressing necessity of the case, I hope the Convention will adopt the proposition at this time.

Mr. STEWART. Though I am opposed to special legislation by this body, I shall nevertheless vote for this ordinance. This measure gives the soldier his rights; and if there is one class of people more entitled to respect by this Government than another, it is the soldier who has been in the field. But I hope some man will be appointed who will prove to be a friend to the widow and orphan, and who will help to dry the tears that have been shed on account of this infernal rebellion. Some gentlemen seem to think we have no right to spend so much money for the soldier. You have spent enough money to build two wide railroads to the Pacific; you have spent money enough to ship every negro to his home beyond the sea, where he belongs—and we have sympathizers enough to do it—and here we are quarreling, and flying, as with daggers in our hands, at each other's throats, while families are broken up, husbands and wives separated, and all because we are afraid to vote this pittance to the widows and orphans of our soldiers. It may not be exactly proper for us to legislate in this matter; but I believe in that pulsation of the human heart, and I believe the great heart of the people is in this matter, and that it ought to be and will be respected. I should vote against this ordinance if I did not think it as legitimate as any other that has been or that will be passed by this Convention. It is for a class of people who are to be respected; who have, by their sacrifices, earned a title to our respect and gratitude. They have suffered in solitude, cut their scanty bread unheeded; and while devastation and misery have been their lot, they have laid down upon their pillows in full confidence that they would be protected. Whether they looked to Heaven or to us, I will not say; but as true as there is an omnipotent power, we shall be held responsible if we do injustice to those whose blood has been poured out in defence of the institutions of our forefathers. And, therefore, though I am opposed to special legislation, I shall vote for this ordinance above all others, inasmuch as it proposes to give justice to men who are entitled to it.

Mr. VANBUSKIRK. I beg to offer the following resolution:

Resolved, That the ordinance entitled "An ordinance to appoint a Commissioner for the State of Missouri to prosecute the claims of Missouri troops and militia, and others," be referred to the General Assembly, with the recommendation that they investigate the subject therein contained, and take such action as may seem to that body necessary and proper to protect the interest of Missouri troops.

Mr. FOSTER. If I understand the gentleman's motion aright, its effect will be, so far as the disposition of this question is concerned, to lay the ordinance upon the table, and thus dispose of it before this body. Now, sir, I cannot regard this movement but in one light: it is simply a dodge by members of this Convention to keep from voting upon the direct question; although, sir, I have no idea that the mover of this proposition intended any such thing. He offers it, I have no doubt, on a very different ground, namely, that he is opposed to this body legislating upon a question that he thinks rightfully belongs to the Legislature. Whether a

gentleman votes for or against this ordinance is no ground for me to impugn his motives; but I conceive this proposition embraces a simple question of justice to the soldier, and for that reason I hope this body will act upon the proposition, and not leave it to the Legislature. The gentleman from Greene is opposed to this measure because he does not want to see new offices multiplied, and I understood him to intimate that the introduction of such a measure into this body might be in anticipation of a seat in Congress from some particular part of this State. I will just say to the gentleman that he may be at ease so far as I am concerned. The gentleman from Greene is a zealous man, and I hope and trust he had no other motive in view than to aid and comfort those whom this ordinance proposes to benefit; and I am prepared to say of him, or any other man, that if he had any other motive, it was not a pure one. The supporters of this proposition, I am inclined to think, have in view the good of the soldier, the widows and orphans; but if they have any other motives in view, I do not think they are pure ones, and I am not here to defend them.

I hope this motion to refer the ordinance to the General Assembly will be voted down, for if there is a member on this floor who is not willing to do everything in his power that is reasonable and just for an American citizen to do in behalf of the soldier and his family, I want his vote recorded. If gentlemen who vote against this proposition do so because they do not desire to act here as legislators, to such members, if they can justify themselves in that way, I have not a word to say. Others will vote against this measuse, because, in their heart of hearts, they do not want to do anything to benefit the soldier, or to aid the cause of the soldier's widow and orphan. I state here that there are men who will vote against this measure purely because they are opposed to doing anything for the defenders of their country. But the gentleman from Greene intimates that his opposition to this measure may lead to his being pointed out as an enemy to the soldier, for the purpose of having him assassinated. Let me say to the gentleman from Greene, and to any others who may think with him, that I know of no American soldiers, who have been marching under the flag of their country, determined to carry it to victory or death, who are disposed to assassinate peaceable, law-abiding citizens. If men, under any circumstances, are assassinated, I venture to say, sir, that ninety-nine out of every hundred have brought the calamity about by their own conduct. I hope sir, there is no member on this floor who desires to put any gentleman on the record as desirous of having him assassinated. I am as much opposed to assassination, under any possible circumstances, as any member on this floor, and I am equally opposed to gentlemen so repeatedly making such charges against the Federal soldiers and friends of the Government that they are bent on such crimes as murder and assassination. It falls on my ear, Mr. President, with an exceedingly bad grace; it has an unpleasantness that I cannot overcome. If gentlemen conceive that they have a right to call the Federal forces a band of thieves, robbers and assassins, they must do so; but we have a right to demand of them to make good their assertions. I never designedly bring up a personal conflict with any man; but when I hear such charges made against the defenders of our homes and country, I cannot, sir, sit quietly in my seat and leave such calumnies to pass unrebuked.

That there may be occasional wrongs committed by our forces, I freely admit; and those who suppose an armed body of men can make long marches through a country and not commit some trifling offences, have little knowledge of the nature or requirements of a military force. But, sir, it is these wholesale charges made against the Federal command, that its forces are thieves, robbers and assassins, that moves me to offer my humble but most solemn protest.

The toils, sufferings, endurance and sacrifices of our soldiers, Mr. President, demands this small measure of justice at our hands. It is in their behalf I demand action of this body, and I demand it *now*.

Mr. HITCHCOCK. I desire to ask a question of the gentleman in reference to the practical working of this bill, whether, in the event of a commissioner being appointed at Washington, it would not still leave the main work of preparing the soldiers' papers to be done here in Missouri?

Mr. FOSTER. I will answer the gentleman's question to the best of my ability. It may not relieve the soldier of the entire difficulty, but to a very considerable extent it will. If a competent commissioner be appointed, he will have such a set of blanks prepared, with instructions so full and complete accompanying the blanks, that the most ordinary business man could take the blank and fill it up. That the contemplated measure will relieve the soldier of the entire

work and difficulty, I do not believe; but the blanks to be prepared by the commissioner will be so simple and complete that any business man, or the clerk of any county or circuit court, or indeed any one having the right to administer an oath, would have the qualifications, and be able to fill up these papers, and all that would have to be done then would be to transmit it to Washington to the commissioner, who would take charge of it, and attend to the collection of the claim if correct, or return it in case it was not correct.

Mr. DRAKE. If any case could be presented in which I would consent to have this Convention go into matters of legislation, this, probably, is the case that I would make an exception over almost any other that could be presented. But, sir, with all the earnest desire that I have had since this war broke out to aid our soldiers in every possible way, I do not see how I can, consistently with my judgment as to our province here, go into this kind of legislation more than into any other. Were we in a legislative body, the gentleman from Adair would find me every way willing to promote his views, the very moment that he satisfied me that it would be for the benefit of the soldiers and their families. But, sir, if we are to go into this kind of legislation, the next thing will be that other members of the Convention will have other matters of legislation which they will feel ought to be attended to, and we cannot tell where we are to land if we once undertake to resolve this Convention into a Legislature.

This Convention was elected under a law which declared that the condition of public affairs, two years and four months ago, demanded that a Convention of the people be called to take such action as the government and welfare of the State may require, and it was demanded of the Convention by that act to consider the then existing relations between the Government of the United States and the people of the State of Missouri, and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as should appear to them to be demanded; and if it is worth while to recur to a fundamental law of this Convention, I think it is worth while to consider whether the propositions put before the Convention is a matter that comes within the scope of the purpose for which this Convention was elected. I am free to say, Mr. President, that I do not think it does; I am free to say that I do not think the other propositions of legislation now on the table of this body come within that scope.

I can find among the ordinances printed in the former proceedings of this Convention no instance where this Convention has consented to go into matters of legislation. They have passed ordinances touching the condition of the State in its relation to the General Government and the condition of the General Government with reference to the people of the State. But no instance can I find among the ordinances of this Convention of attention to mere legislation; and I am informed that the Convention has resolutely set its face against anything of that kind through its whole sittings, and I must be permitted to say that I think they acted with eminent propriety. For these reasons, Mr. President, on the score of the exercise of power, I cannot vote for this ordinance. I mean to vote for the resolution which has been presented to refer the matter to the Legislature with a recommendation to them to inquire into it.

It matters not to me, sir, that the gentleman from Adair chooses to apply contempt to my action in this respect, and which he has no proper right to apply. It does not matter to me that any individual member of the Convention may choose to say that I am dodging the question. It matters not to me that a member of the Convention may choose to say that if I vote to refer this proposition to the Legislature I am votiug against the soldiers' interest. It matters not to me, sir, that any gentleman may choose to say that in voting for this proposition I am voting in company with members in this Convention who do not want anything done for the soldiers at all. I cannot help these things. Gentlemen may impute what they choose to me as the ground and principle of my action here. I mean to vote according to my conviction of the legitimacy of action on the part of this Convention. I am not afraid, sir, I am happy to say, of being assassinated for my vote on this question, nor am I afraid, sir, of my popularity; for you know it was announced in a St. Louis newspaper some weeks ago that I was confessedly the most unpopular man in St. Louis. I am not afraid of the popular vote, for I have nothing to ask of the popular vote. I am not afraid of the censure of my friends in this Convention, for they know I act upon this question simply upon my conviction of duty in regard to the constitutionality of the Convention and its proper business; and they

know, each one of them, friend or enemy, that if I believed it was our rightful province to adopt this ordinance here, I would vote for it in a moment, and the gentleman from Adair knows it too. But, sir, independent of these considerations, I beg leave to say to the Convention that it is doubtful in my mind, and I would wish that the gentleman from Adair were enabled to give us more full and more satisfactory information on this subject. It is doubtful whether the gentleman from Adair himself, with all his earnest advocacy of this question, and the other gentlemen who have advocated it, would not find themselves exceedingly mistaken as to the operations of this system when once introduced. Those who are not acquainted, as some of us are, with the condition of things in Washington; those gentlemen are not perhaps acquainted with the fact that when men go to Washington City they find a great many other things to attend to besides their duties; they find a great many things to occupy their time much more agreeably than to rummage through the departments there to carry a claim through the twelve or thirteen stages before it comes to the last. Perhaps they are not aware that there are glittering temptations all through that city, to confuse and bewilder men in the discharge of their duties, and temptations such as few men are entirely proof against.

But here, sir, is another point, which I would ask the gentleman from Adair, or any other gentleman in this Convention, to give me information about; for I think this Convention needs information on this subject. It is very proper and legal to appoint an agent to protect the interests of the soldiers and their families; but I want to know, when an agent is appointed for that purpose ostensibly, whether it will effectually accomplish the object that the party appointing him have in view. Now, if I understand the matter, and I have obtained pensions and bounty warrants for numbers of persons in time past, and I found that the department there who had charge of it sent out to anybody in the United States who applied for them blanks full and complete, and all the party had to do was to fill up with the date, sign his name to them, put in the number and company of his regiment, &c., authenticate them, and send them back, and, after comparing them with the roll, they would send him his land warrant in a little while; and I take it as a fact, which I call upon the gentleman from Randolph, the gentleman from Pike, and the gentleman from Platte, members of Congress, to state whether it is not true that in all these offices they have blanks there prepared for the express accommodation of persons who have claims of this kind. The gentlemen, I see, answer me with an affirmative nod. Very well, if this is the case, Mr. President, what is the need that we should appoint officers to go there, call at the office, get a quire or a ream of these blanks, sit down and send them off to the soldiers who write about their back pay, when those soldiers can get the same thing sent them by the present arrangement? And what use is it that we have nine Congressmen there, representing each district, and two Senators, representing the State at large, if these gentlemen cannot be called upon by our soldiers to attend to these matters in Washington? But, sir, there is no difficulty in the case at all; and I do verily believe that the soldier will get his back pay more certainly, and his family get their pensions more directly, by application to the office at Washington, than they will if we have a special agent, particularly if it is true that the applications for pensions are put on file and taken up in their regular order. If there are ten thousand of them, it only postpones the action; the right time comes at last. But what great injury can accrue to any soldier or his family by a delay in this matter up to the time the Legislature meets? I will stop that train of remark for a moment to look at the law of the case, which one of my colleagues hands to me, and which I deem it not only respectful to him, but proper, for the information of the House, to read. On the 14th of July, 1862, Congress passed "An Act to grant Pensions," which I now hold in my hand, and from which I will read the sixth, seventh and ninth sections, as follows:

"Sec. 6. That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance, before the Pension Office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded, (except the affidavits of surgeons, for which such agents and attorneys

shall not be entitled to any fees,) one dollar and fifty cents.

"Sec. 7. That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance, under this act, on the condition that he shall receive a per centum upon, or any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner, or other claimant, the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravation of the offence."

"Sec. 9. That the Commissioner of Pensions, on application made to him in person or by letter by any claimants or applicants for pension, bounty, or other allowance, required by law to be adjusted and paid by the Pension Office, shall furnish such claimants, free of all expense or charge to them, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and in case such claim is prosecuted by an agent or attorney of such claimant or applicant, on the issue of a certificate of pension, or the granting of a bounty or allowance, the Commissioner of Pensions shall forthwith notify the applicant or claimant that such certificate has been issued, or allowance made, and the amount thereof."

These provisions of the law, with which I was not familiar, but which have been placed in my hands, sustain the views which I previously expressed. Now, then, the question resolves itself into this: If the authorities of the United States have by law provided every facility for the transaction of this business in the offices there, and it be the special duty of the officers of the Government to furnish every facility to the soldier in such matters, is there a demand upon us — supposing that we had the power, and it was proper for us to legislate — is there a demand for us to do this thing because the soldiers choose to place themselves in the power of sharks all over the State to rob them of their just rights, when they could go to the fountain head and get every cent of their pay?

Mr. HENDERSON. Will the gentleman from St. Louis allow me to ask him a quest on?

Mr. DRAKE. I will answer if it is asked for information.

Mr. HENDERSON. Does the gentleman know that soldiers do pay more for the prosecution of their claims than is prescribed by the statute which he has read?

Mr. DRAKE. I have no doubt they do occasionally pay a great deal more, because I know men engaged in the business who I do not believe would attend to it for that compensation, and I have no doubt the soldiers are often fleeced. But it is their own choice for the soldiers to put themselves in the power of the sharks, when they could go right to headquarters, or just write a letter of five lines, and get the whole thing done for them there, with delays, perhaps, but with no more delay than the shark will cause them.

Mr. HENDERSON. Another question, for information. Is it to be presumed that the soldier will know more about the statute than the gentleman from St. Louis, who seems to have been unacquainted with the very existence of the law?

Mr. DRAKE. They may be ignorant of it; but is it our duty, as a Convention of the State, to step out of our appropriate sphere to legislate about a matter of this kind here, in the month of June, when the Legislature will legislate upon the subject, if it requires legislation, in the month of November? I do not think, Mr. President, that it is. I would like, sir, if I could — I assure the gentleman from Adair that I would be glad, if I could satisfy myself that it was proper for me to vote in favor of this ordinance; I would be delighted to do it, if it were to be a benefit to the soldier. But I think we are going beyond our proper sphere when we begin to legislate upon matters that we cannot tell the end of.

A suggestion is made by the gentleman on my right, that this discussion will give publicity to this matter of the law, and will bring it to the attention of the soldiers throughout the State, and the newspapers may also do much in checking this plucking game, which sharks, all over our State, I am satisfied, are practising upon our soldiers.

Mr. BIRCH. Having connected myself with this measure by offering a resolution by which, as I conceived, its purposes could be more effectually carried out, I desire to say, that though I have listened with the greatest attention to the arguments of the gentlemen who

have spoken, my views of the question remain wholly unchanged. I do not regard this ordinance as a matter of special legislation; we hope to pass it, as a just and desirable measure of relief to our gallant soldiers, and simply in good faith towards those who, in the service of this country, have made sacrifices that no measures of ours will ever fully repay.

Considering this matter practically, and with a little experience I have had in another department of the public service, I may perhaps throw a little additional light upon the subject. It is well known that lawyers who attend to land claims almost invariably charge an additional fee towards the close of the proceedings, in order to compensate the lawyer at Washington. Now, I regard the appointment of a Commissioner at Washington as an attorney, specially appointed on behalf of all our soldiers in Missouri, to attend their claims; so that when the papers are properly made out here, the Washington lawyer shall not charge an additional fee for attending to the just claims of our soldiers, their widows or their orphans. It will be very desirable to secure the appointment of a good and competent commissioner. If I had any misgivings in my own mind as to the danger of an improper person being appointed by the Executive, I would insist upon an amendment, by which this Convention should appoint the commissioner; and it is in no mere spirit of compliment, but from my intimate knowledge of the habits, the energy and the unswerving integrity of the gentleman from St. Louis (Mr. Drake), notwithstanding all that is said of his unpopularity, that I would desire that he, or some one like him, should be appointed to this most responsible position. If we could have such an agent at Washington, it would be a most fortunate and valuable circumstance for the brave men who have perilled their all in this most terrible struggle.

Mr. McFerran. I beg of the Convention to bear with me a few minutes longer. It has been argued here that this Convention has no right to pass this ordinance. I reply, it is too late for gentlemen to say the Convention has no right to pass an ordinance of this character. A word as to the practical workings of this ordinance, and the benefits that will be likely to accrue from it to those whom it is designed to benefit. The act of Congress, read by the gentleman from St. Louis, fixing the fees of attorneys for making application for pensions, bounty, and soldiers' claims generally, leaves an indelible impression on my mind that this ordinance is absolutely necessary to secure the soldier his rights, because there is no attorney — and the gentleman from St. Louis admitted it — who will undertake to prepare these claims and secure the soldier his rights for the fees mentioned in the statute. In prosecuting a claim, an attorney has to be employed at Washington; but when the claim is filed in the department at Washington, and it has received its proper number, it may, by some little informality, lose its turn; and when the vast magnitude of this war is considered, and when we consider the irregularity that has obtained in the departments of the Government, it will at once be seen how absolutely necessary it is, if we wish our soldiers' claims to be promptly and honestly prosecuted, to have an efficient agent at Washington to attend to this important business. Something has been said about the dishonesty of lawyers who undertake to prosecute the soldier's claims; when the simple fact is, an honest attorney cannot afford to prosecute the soldier's claim for the fees fixed by the statute. How, then, is a soldier to get his claim through? Why, he is almost compelled to put it into the hands of a man who fleeces him at home, and an attorney must be employed at Washington, who judges of the legality of the claim, and who sees that its proper turn is not lost; for if once lost, it may take years, perhaps ten, perhaps twenty years, ere it will be in order to press that particular claim. And who, I ask, are the sufferers by all this delay? The poor soldier, his widow or orphan children; they may perish, or suffer all the inconveniences of pinching poverty, by the delays incidental to the present imperfect system. If the soldier's claims are legal, let us devise measures by which he can get what rightfully belongs to him, and it is such a measure of simple justice that is contemplated in the passage of this ordinance.

Mr. Drake. I ask for the reading of the resolution.

Mr. Gravelly. I demand the ayes and noes.

Mr. Shanklin. I wish simply to name the reasons why I shall vote for the resolution. The arguments that have been advanced appear to me sufficient to convince any man who regards the question dispassionately that it is a question that should be referred to the Legislature. If I could see any good that would result to the soldier by the passage of this ordinance, I would certainly vote for it; but it seems to me a clear case, and it is, I believe,

admitted by the movers of the ordinance that the soldiers cannot be entirely relieved by this ordinance, and that their applications must be filled up at home, as at present, and that they must necessarily employ some one capable of doing it, and the law read by the gentleman from St. Louis regulating the fees in particular cases satisfies my mind on the subject; and I will venture to say that there are sufficient honest lawyers to do the work for the fees allowed by act of Congress; I think, too, the whole matter should be left to the Legislature, especially as it meets in so short a time.

Mr. WELCH. Although I regard the measure now pending as having in it much to commend it to the consideration of the people of Missouri, affecting as it does that large class of her sons who are engaged in defending, not only our hearthstones, but the very life of that Government which, by the favor of God, was erected by our patriot ancestors; yet it is so clearly within the peculiar province of the Legislature, involving as it does the expenditure of money, and believing that no serious loss will result from delay until the Legislature shall again assemble, I am constrained to vote for its reference to that body.

The question being on the resolution of Mr. Vanbuskirk to refer the whole matter to the Legislature, it was carried by the following vote:

AYES—Messrs. Allen, Bartlett, Barr, Bast, Bogy, Breckinridge, Bush, Calhoun, Comingo, Deal, Duvall, Doniphan, Douglass, Drake of M., Drake of St. Louis, Dunn, Frayser, Flood, Gantt, Gorin, Hall of Randolph, Henderson, Hitchcock, Hough, Howell, Irwin, Lindenbower, Linton, Long, Marvin, McCormack, Meyer, Moxley, Noell, Norton, Orr, Pipkin, Pomeroy, Prewitt, Rankin, Ray, Rowland, Sayre, Scott, Shackelford of H., Shackelford of St. L., Shanklin, Sheeley, Smith of L., Smith of St. L., Vanbuskirk, Walker, Woodson, Woolfolk, Waller, and Mr. President—56.

NOES—Messrs. Baker, Birch, Cayce, Foster, Gravelly, Holmes, Holt, How, Isbell, Jackson, Jamison, Johnson, Leeper, McClurg, McDowell, McFerran, McLean, Morrow, Phillips, Ritchey, Schofield, Stewart —22.

Mr. HENDERSON explained, on behalf of the Committee on Emancipation, that in consequence of the absence of the Governor, who was chairman, the committee would be unable to report to the Convention till Monday.

The PRESIDENT laid before the Convention a dispatch received from General Schofield, informing the Convention that he had instructed General Brown, commanding at Jefferson City, to furnish the Convention all the papers in the case of Mr. Marmaduke, which are on file in his office, when the case was examined and decided by General Brown's predecessor, Brigadier General Loan.

Mr. RICHEY offered the following preamble and resolution:

WHEREAS, A. S. Harbin, and other members of this Convention, from their respective Senatorial districts, have failed to attend the several sessions thereof; therefore, be it

Resolved, That a select committee of three be appointed to inquire into the cases of the said members, and report what action, if any, should be taken thereon.

The resolution was adopted, Messrs. Richey, Shanklin and Johnson being appointed said committee.

Mr. BIRCH offered the following resolution, which was read and passed over informally:

Resolved, That this Convention will proceed, at 10 o'clock, on Monday morning next, to elect and appoint a Provisional Governor of the State, in the place of the Hon. H. R. Gamble, resigned.

Mr. MCCLURG. I hold in my hand a paper, Mr. President, which I received last evening, containing the proceedings of a public meeting held at Lexington, Mo., held June 17th, and which I beg may be read for information, and be referred to the Committee on Emancipation.

The account of the meeting was read and referred.

On motion of Mr. SAYRE, the Convention adjourned to Monday, June 22, at 10 o'clock A. M.

SEVENTH DAY.

JEFFERSON CITY,
Monday, June 22, 1863.

Convention met at 10 o'clock.

President in the chair.

Prayer by the Chaplain.

Journal of Saturday read and approved.

The proceedings of an emancipation meeting held in Andrew county, were presented by the President, whereby the delegates from Holt, Andrew and Nodaway counties wereinstructed to resign if they could not vote for immediate emancipation.

Mr. IRWIN, from a special committee, presented a report and resolution recommending the expulsion of Prince L. Hudgens, which was unanimously carried.

ON THE ELECTION OF GOVERNOR, ETC.

Mr. DRAKE. I desire, Mr. President, to offer a resolution:

Resolved, That a Committee of three be appointed, whose duty it shall be to prepare, and report to-morrow morning at 9 o'clock, an ordinance providing for an election by the people on Tuesday, the 6th day of October next, of a Governor, Lieutenant Governor, and Secretary of State, who shall enter upon the duties of their respective offices on the 17th day of November next, and continue in office during the remainder of the terms for which the present incumbents were appointed by this Convention.

I beg leave, sir, to offer a few remarks touching the proposition embraced in that resolution.

It will be remembered that, last week, the gentleman from Gasconade introduced an ordinance providing for an election by the people of a Governor, Lieutenant Governor, and other State officers, which ordinance was laid on the table by a small majority, before there was any opportunity for any interchange of opinion in regard to the matter involved in it. I desire now that the sense of this body should be tested again upon this most important proposition.

It is agreed on all hands, I believe, that when this Convention adjourns, it adjourns *sine die*, and ends its existence. I am of opinion that when Governor Gamble resigns and the Convention is brought to a close, the tenure of office by all appointees should be brought to a close as soon thereafter as the people can elect officers to fill their places.

I am of opinion that it is unwise, injudicious, tending to an unpleasant state of public feeling in the State, for the Convention to adjourn leaving in office high executive officers, with no possibility of the people reaching them until the regular election in 1864. It may very well give rise to the allegation that the Convention has imposed upon the people for a time when neither the people nor itself can have any power over them; and in making these remarks I desire it to be distinctly understood that I have not the least reference personally to the honorable gentleman, who, at the close of our session, is to take the position of Governor. I have no desire whatever to allow the impression to remain upon the mind of a single member that, in making these remarks, I wish to assail him; I simply stand upon the broad ground that it is not wise or expedient for this Convention to make a will and bequeath officers to the State who received appointments at their hands, and whom they cannot subsequently control when they themselves go out of existence as a body.

Moreover, we have elected a Legislature by the authority of this Convention, and there is no reason, in my judgment, why the people should not receive back from this Convention the privilege of electing their own executive officers. I wish to get rid of any question in the State in connection with these officers. If there should be a wrong administration of the executive department, let it be by an officer whom the people themselves have chosen, that the *onus* may rest upon the people, and not upon this Convention, of having placed the gentleman in office.

But, independently of all questions of that kind, the people feel uncomfortable, and many of them are restive at the idea of a Governor being placed over this State for the remainder of the term in whose choice they would have no voice. For these reasons, and believing that whatever may be the choice of the people in such an election, they will be better satisfied with that choice than with any gentleman we could leave as Governor of the State, whether it be the present incumbent, or the one who

would be his successor, I desire that these resolutions should prevail, and that an election be ordered.

And now a word of explanation as to the dates I have selected. I do not think that there should be during the coming session of the Legislature a Governor of the State appointed by this Convention. I think that the Governor who co-operates with the Legislature, should be a Governor elected as is the Legislature, by the people. I have put the time of election at as late a day in the fall as it can well be put, to get in all returns before the Legislature meets on the 10th of November, the time they adjourned to. The 6th of October being the Tuesday after the first Monday of October, seems to me a fitting time, for it gives a month and four days to get in the returns before the Legislature meets. Then, when the Legislature meets, it can proceed, as in the case of the regular election, to count votes, and declare who is elected; and the officer so elected can be installed one week after the day the Legislature meets. This plan, therefore, gives three and a half months, if adopted now, for the people to make choice of their candidates, and to vote with full information upon every point; and, moreover, it fulfils the constitutional requirement of three months' notice of the special election of Governor; so that there seems to me to be a fitness in the dates fixed upon in the resolution, which could not be if a longer or a shorter period were selected.

These are the reasons, Mr. President, first, why I desire that election should be ordered; and secondly, why I have framed the resolution with the dates mentioned in it; and I hope, sir, that this resolution will receive the consideration of the House. If there are objections to this proceeding, I hope they will be stated. We are not hurried for time, as I understand that the Committee on Emancipation will not report until after the return of Gov. Gamble from St. Louis, which is expected this afternoon. We have nothing before us pressing upon us; therefore, I hope that the gentlemen who may be opposed to this resolution will take some other course with it than to move to lay it upon the table. If this motion is made, I hope it will be voted down. I hope, if any gentlemen entertain objections to the resolution, they will make them known; and that those who are in favor of it will so express themselves.

Mr. Foster. I desire to offer a substitute:

Resolved, That a Committee of three be appointed to take into consideration, and report to this body without unnecessary delay, the propriety of holding an election in this State, on the Tuesday after the first Monday in November, 1863, for a Governor, Lieutenant Governor, Secretary of State, Registrar of Lands, and Attorney General.

I only desire to say this, sir: that I am not disposed, if we are going to hold an election, that it shall be for a portion of the State officers. If we hold an election for Governor, Lieutenant Governor, and Secretary of State, I desire that we elect Registrar of Lands and Attorney General also. It is a fact known to all the members of this body, that the Auditor of Public Accounts is an officer elected by the people; it is known that he complied with every requirement, such as taking the oath required by this body; it is also known that the Treasurer did the same, but a vacancy occurred in that office by reason of resignation, and it was filled by an appointee of the Governor of the State. This I hold to be in accordance with the Constitution and law. But the Governor and Attorney General are properly creations of this body; and, sir, if we raise a Committee for the purpose of inquiring into and reporting on the propriety of holding an election for the Governor, Lieutenant Governor, and Secretary of State only, I am disposed to go clear through, and inquire into the propriety of holding an election for all the creations of the Convention.

I desire the committee to take into consideration the propriety of holding an election in November, for this reason; that it is a growing evil throughout our country that bushwhacking is inaugurated again. Members of this body are receiving communications from various parts of the State which speak of its growing worse daily; and if we are to judge of the future by the past, it will continue to grow worse as long as the foliage grows upon the trees of the forest; but in November I think everybody will go to the polls.

Mr. Drake. With regard to the officers to be elected, we may embrace the appointees of the Governor as well as the appointees of this Convention. I will beg leave to explain why I did not embrace them likewise in the resolution I presented. Those gentlemen were appointed by the Governor to fill vacancies created by the failure of the previous incumbents to take the oath prescribed by this Convention; they

stand, therefore, in a different position altogether to those gentlemen appointed by this Convention. A Governor, Lieutenant Governor, and Secretary of State, were appointed in the first instance provisionally; afterwards an ordinance was passed continuing them in office up to the next election. The Attorney General, the State Treasurer, and the Registrar of Lands, were appointed by the Governor in pursuance of the Constitution, which authorized him to fill vacancies. I will read section 9 of article 4 of the Constitution: "When any office shall become vacant, the Governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law." This is the law as is well known to every gentleman who has had the matter brought under his consideration. Throughout the whole history of our State, whenever a vacancy has taken place in any office for which no other provision was made, the Governor appointed the incumbent to fill the office to the end of the term. In the case of the Judge of the Supreme and Circuit Courts, there is an express constitutional provision. If a vacancy takes place within a certain period prior to the next election, the Governor shall not appoint; but there is no provision with respect to the ministerial officer at the head of the State Government. If a vacancy takes place in the office of Attorney General the day after his appointment, the appointment is held over to the next election; and so with regard to the State Treasurer and Registrar of Lands. Therefore it was I made the discrimination between those officers who have been elected or appointed under the Constitution, and those who have been appointed by this Convention. The Constitution continues in existence; the Convention dies with this session; therefore it is that I wish to remit back to the people the power and the authority which under the Constitution they are entitled to, and which this Constitution would not have taken from them but for the exigencies of the time in which it held its sessions. Now that these exigencies are passed away, now that the people *can* elect their officers, I do not feel disposed to withhold from them the right one hour beyond the time when they can properly and legally elect their officers.

The PRESIDENT. The question is on agreeing to the substitute.

Mr. FOSTER. I do not pretend to controvert the position taken by the gentleman of St. Louis; but I contend, sir, that if it is considered necessary that the acts and doings of this Convention be thrown back upon the people for their consent, it seems to me inconsistent to discriminate, to ask them to elect part and not all. It is quite true, sir, that the Governor appoints the Registrar of Lands, and Attorney General. But, I ask, how was the Governor himself elected? It was by this Convention, or, as has been asserted, by the people of the State of Missouri speaking through this Convention. I say, therefore, that these two officers are indirectly creatures of this Convention, and for the reason that unless this Convention had elected the Governor, those two vacancies could not have been filled. If the people of Missouri demand the right at the ballot-box to elect a Governor, Lieutenant Governor, and Secretary of State, I insist that they equally demand the right to elect a Registrar of Lands, and Attorney General also. This Convention elected the Governor, and the power given him by this Convention enabled him to appoint these latter officers. All this power was derived from the people, and I desire that it should all be now returned to them.

Mr. STEWART. I suppose every member of this Convention and everybody else knows what brought it together: that it was for the purpose of deciding whether Missouri should remain in the Union or go out, and they decided that Missouri should stay in the Union. There was but one question to settle, and that was a big one. Now I am of opinion that, having done the business for which they were called together, they should have adjourned *sine die*. I think the people of Missouri are able to manage their own affairs. I do not think they want this Convention to take their legitimate business off their hands, or will thank this Convention if it insists on doing so. I think the people of this State wish to appoint their own Governor and other State officers; and I think they mean to do it. I have the highest respect for members of this Convention; I respect them as honest and able, but I am not going to consent to their doing that which rightfully belongs to the people to do. The Governor was elected for a temporary purpose, as a provisional Governor. The necessity for his appointment by the Convention having passed away, the power should revert again to the people. The appointment of a Governor by this Convention would be an assumption of power for which it would be held responsible by the people, and for which it

would be called to account, not by guns but by brains. Gentlemen do not seem to notice that a revolution in sentiment is going on in this State. Twelve months ago there were only nineteen votes in favor of emancipation—only nineteen votes against laying the motion on the table. Where are we now? The people demand emancipation by an overwhelming voice. So in the settlement of the question as to the election of a Governor. I do not care whether you refer it to a special committee, or to any other committee. I refer it to the people, and, though gentlemen may squirm, that is where it will have to be referred anyhow.

Mr. WELCH, on leave, presented a communication from R. A. Brown, late Delegate from the Fourteenth District, tendering his resignation as a member of the Convention, which was laid upon the table.

Mr. HALL of R. When this proposition was introduced at an early period of the session, I moved that it should be laid upon the table, for the reason that I had come to this Convention with one and only one special object in view—and I supposed that was the general feeling of the Convention—and I desired that our time should not be consumed for any other purpose. Had I perceived that the delays which have occurred would have taken place, I should not have moved to lay the proposition upon the table. When the Convention, under the most trying circumstances, took the responsibility of deposing the Government elected by the people of this State, they were assailed throughout the country by the charge that they were interfering with and subverting the wishes of the people; that they were interposing themselves between the people and their Government, and were, in short, hostile to our republican institutions. And this sort of talk is again hinted at by gentlemen here to-day. It came then, however, from another quarter. The efforts of the loyal men of Missouri at that time were turned to convincing the people that this Provisional Government was as rightful a government as that which they had deposed. The loyal men of Missouri were united in this effort. We did not then hear from the loyal men of Missouri that we were interfering with the rights of the people, and that the people should revolutionize and not submit to the usurpations of this Convention. Now, sir, we hear this cry from another quarter, and thus it is that extremes meet, and the revolutionary spirit on one side raises the same argument and appeals to the same principles which revolutionists did two years ago when we undertook to stop their revolutionary action.

This Provisional Government is as rightful a government as that we deposed. It is now the rightful government of the people, and, as such, I have defended it, and as a Union man, have maintained it. I have never been in favor of this Convention assuming any powers that were not necessary or for which the necessity was not apparent. I have often in this Convention voted against measures which had great merit in themselves, because I was unwilling that this Convention should be charged with a disposition to assume unnecessary powers. When we established a Provisional Government in this State, we did not change the character or obligations of those officers. We simply substituted officers for those who had proved themselves faithless, and left them subject to all the restrictions imposed by the Constitution. I propose that we leave them subject to those restrictions and limitations; that we shall not now, by an interference with constitutional provisions, undertake to change the system established by our predecessors in wisdom, and by which we should justly subject ourselves to a charge of caprice.

I have, Mr. President, respect for the will of the people; I am in favor of the republican form of government, but, sir, when I have assumed the responsibilities which I have in this Convention, I am prepared to stand up to them. When we assumed to depose the government which was then in existence, did this Convention shrink from the full responsibility of the act? And when it was proposed to submit our action to the people for their ratification, it was not with my concurrence; I was prepared to assume all the responsibility of the act. I did not shrink from the danger then, and I do not shrink now. I was not deterred from following out the convictions of my best judgment by the threats of Secessionists then, and I certainly shall not be deterred by the threats of Radicals now. We have established this Government and maintained it through most trying circumstances; we have convinced the people of its necessity, and that our action was both necessary and right, and I propose that we shall maintain the Constitutional Government subject to all the restrictions and limitations imposed by the law for the period provided for by the Constitution.

Mr. BIRCH. I may as well premise, in the few remarks I have to offer, that there is no

necessary interference between the resolution offered by the gentleman from St. Louis, and my own, introduced on Saturday, and which was disposed of by the adjournment of the Convention. My resolution is now on the desk, and could be taken up should it be the desire of the House. My resolution was not intended to, nor does it reflect upon any person whatever. It assumes the simple responsibility of this body to elect the officers of State, and it in no way precludes our again electing the distinguished gentlemen who at present fill the offices of Governor and Lieut. Governor. The question in this crisis is whether we shall elect a Governor by the power with which we are invested, or whether we shall, under the peculiar circumstances of the times, submit that election to the people.

I concur most heartily in the spirit of the observations made by the gentleman from Randolph. I appreciate the feeling manner in which he spoke, when adverting, as he did, to the times when it took a little more to be a Union man than it does now. I stood by him then, and I will not forsake him now, whatever may be the clamor raised to drive us from our duty. I think that the man who in the present hour is disposed to shrink from his duty and the responsibility attached to it, is not a man that should be sent from any Senatorial District to this Convention; and I am willing to assume any responsibility attending the election of a Governor of the State of Missouri by this body, until such time as the whole people shall be able, unawed by force on the one hand, or intimidation on the other, to exercise that right which it is the boasted privilege of an American citizen to constitutionally claim.

I should be glad if we could avoid a final vote on the question until we see how the emancipation ordinance shall be finally disposed of. If the Convention should decide upon some such measure as is in contemplation by perhaps a majority of this body; if that ordinance be submitted to the calm judgment of the people when we shall again be at peace, as I trust will be the case by the election of 1864; if this Convention shall decide to annihilate forty million dollars' worth of property, and to dissever all the feelings that connect themselves with the most important social interests of the State; if they will give the institution of slavery no chance of existence, (and I would here say, I hope they will bury it in a christian manner;) I trust if so momentous a course on the part of the Convention is to be submitted to the people for their ratification, that the question of the election of the Governor will likewise be submitted to them. We have now no people in the sense contemplated by the Constitution. I am inclined to think that were an election held by the people at the present time, there would not be fifty thousand votes polled in the whole State. It might be that this number would make a better choice than a greater number, but that is not the question. The question is whether, in submitting an election to the peopeople now, a full, free and fair election is possible; and anything short of that is a fraud and a mockery, and to the last imaginable degree reprehensible.

Mr. Drake. I think, Mr. President, it would be a great mistake if this Convention should withhold from the people, longer than there is any absolute necessity for, the choice of their rulers. Were the Convention necessitated to continue its existence beyond this session, I am free to say I should feel much less anxiety for an election by the people; but the point of objection with me is that if the Convention goes out of existence, as I suppose it will by common consent at the close of this session, that it is not wise or expedient that it should leave behind it a government which has not been elected by the people. I claim further, that it is the fundamental principle of our society, and our republican form of government, in which we acknowledge the people as the source of power, that even the people's representatives, holding in their hands all the power the people delegated to them, should not place in power officers over the people who are to continue in office longer than the exigency which calls for the existence of the body appointing them. The exigency which called this Convention, and which has continued it in existence thus far, has ceased; then we should surrender the power that the people have entrusted to us back into their hands. My action in this matter is based upon the great fundamental principle that whatever emergency may take power away from the people, whenever that emergency ceases their authority should be returned to them without one moment's hesitation. The agents to whom they delegated their power should not, in my judgment, under any circumstances, retain that power one moment longer than the exigencies of the time required; and it is upon that broad principle that my action is framed. I desire the Convention to

note that my action here rests upon that principle, and if they do not consider that that principle is one which invokes them to think and act as I do, I shall, of course, most respectfully bow to their decision in the premises.

The gentleman from Clinton assumed that the people are in no condition to hold an election. He says whenever the *whole* people can go unawed to the polls, and give a full and fair expression of their wishes through the ballot-box, then he will vote for the election. In many counties of this State the people have held primary meetings in which they have demanded, among other things, the cessation of the existence of this Convention, and the election of Governor, Lieutenant-Governor, and Secretary of State. I think, Mr. President and gentlemen of the Convention, that the people are the best judges of the fitting time for them to hold an election; and if they call for it, to return back to them the authority they gave us. But we sit here and say to them, "You are not in a condition to elect State officers; you cannot elect them unawed." I do not regard such a course of proceeding as my duty, if other gentlemen do. But, perhaps the gentleman from Clinton had something else in his mind; at any rate the language he used is open to that construction, whether the gentleman had it in his mind or not. Perhaps the gentleman meant that when the time came when not only the loyal people of Missouri, but its rebels, its traitors, its guerrillas, and its bushwhackers, should come back and take possession of the polls all over the State, then the time would arrive when he would vote for an election. The gentleman may not have meant this, but his language is open to such a construction. Whenever that view is taken of this question, I desire to meet it with this simple declaration, that I want the election now, before these villains can deposit a single vote in the ballot-box again. That is my position and doctrine, and I do not intend, so far as any agency of mine is concerned, as a delegate or as a citizen, ever to allow one of them to vote in the State of Missouri while God permits it to be a State. [Cheers.] And if any gentleman,—I charge it not upon any, because I have not the evidence to base it upon,—if any gentleman in this body is looking forward, either in reference to this proposition, or the proposition of emancipation, to postpone either of them to the time when that class of the people of Missouri, now disfranchised by the sovereign power of this people, shall ever again be restored to equality with its loyal people, to vote down propositions which the loyal people of Missouri desire to see consummated in law, he will find himself grievously mistaken.

The PRESIDENT laid before the Convention a communication received from Gen. Brown, stating that there were no papers on file at the office of the Provost Marshal in reference to the case of Vincent Marmaduke.

Communication referred.

Mr. HOWELL. When the Provisional Government of this State was instituted, I was opposed to submitting our action to the people; not because I was afraid to trust the people; not because I believed that, ordinarily, it is not right to submit all questions of this kind to a vote of the people, but because I believed the thing was impracticable, and that a fair expression of the loyal citizens could not be had. There was at that time an almost unanimous concurrence of sentiment in this body on this proposition. I took the responsibility of that matter in common with other gentlemen. At that time, it was broadly proclaimed by gentlemen who now insist that we do not represent the people, and ought not to act for the people in this matter, that we were the people; that the sovereignty of the people in this matter had been confided to us, and that we had a right to act in the emergency as the sovereign people of the State. At the last session of this Convention, I introduced, upon my own responsibility, a proposition to suspend the election for a time, and until I believed that the people could hold a free, fair and untrammelled election in reference to the selection of officers to execute the laws, and to carry out the policy of the loyal people of the State. But, sir, this Convention differed with me in my views on that subject, and assented to an election in November last of members to the General Assembly, to county offices and other purposes. The mode and manner of holding those elections are now before the people; they have become matters of history, and they have satisfied me of the correctness of my position on the occasion referred to; and I have been assured by many gentlemen who differed with me then, that the result of that election proved the correctness of my position, and that they were mistaken in the policy they then thought best to be adopted. At that time, it was thought by some that the majority of the people of this State were disloyal. I did not believe it; nor do I believe that there is to-day anything like a majority of the people disloyal. But it is very evident that a

free and full election of the people could not be had in November last. We have one hundred and sixty thousand votes in the State, and I believe only a little over fifty thousand were cast on that occasion. The more recent elections afford additional proof that the sentiments of the loyal people cannot be called out. In St. Louis, out of, I believe, twenty-five thousand voters, on the election of the gentleman who has devoted himself with so much ability, and defended his views with so much skill and adroitness, only five or six thousand votes, I believe, were cast. In other districts, the disproportion between the real number of voters and the votes actually cast, is still greater; and yet gentlemen are clamoring for an election by the people. A grave duty devolves upon us, sir, so long as we retain our position as delegates of the people, and that is to take such measures as will secure the safety of the State, the safety of its institutions, and all its interests. I shall vote against this proposition now before the house, because I do not believe it will, in any way, tend to this important end. If at any future day of the session a proposition should come up to elect a Governor by this body, I expect to vote for it.

Mr. THOS. SCOTT. I desire to have the proceedings of a meeting of loyal citizens held in Miller county read for information.

The following was read by the Clerk:

At a meeting of the loyal citizens of Miller county, held at the Courthouse in the town of Tuscumbia, on the 18th day of June, 1863, John S. Franklin was called to the chair, and Cornelius Lowe was appointed Secretary.

On motion, the chair appointed A. B. Nixdarf, J. M. Goodrich, Capt. W. Long, Gabriel Cotton, and Mr. Sterling, a committee to draft resolutions expressive of the views of the meeting.

In the absence of the committee, on motion Judge Capps was called to address the meeting, which he did in a clear and forcible manner, followed by Judge Allen in appropriate remarks; after which the following preamble and resolutions were presented by the committee, which were unanimously adopted:

WHEREAS a rebellion exists in this country unparalleled in history for its infamy, and for which we have no sympathy, either with its fiendish authors, or Copperheads and rebel sympathizers, who, under the guise of conservative Union men, are attempting to "steal the livery of Heaven to serve the devil in;" and whereas the State of Missouri has, by the wicked acts of political demagogues, been thrown into the vortex of rebellion and civil war, in which thousands of her loyal citizens have been slain, and our once prosperous State almost laid in ruins by the demon of secession; and whereas we believe that the institution of slavery in this State has been the cause of all our troubles; therefore,

Resolved, That we are in favor of the State Convention (which has been convened at Jefferson City by H. R. Gamble, Governor of Missouri) passing an act of immediate emancipation of all slaves in this State, having due regard for loyal owners, believing that it would be for the best interest of Missouri.

Resolved, That, in our opinion, it is the duty of the Convention, now in session at Jefferson, to expel all members of said Convention who are known to have been in the rebel service, or who are known to be disloyal to the Federal Government and this State, for said delegates no longer represent the interests and sentiments of the Union people of Missouri.

Resolved, That we look with abhorrence upon all traitors in arms, or in the disguise of conditional Union men; and we hereby pledge ourselves to sustain and uphold the Government of the United States and its chief Executive in all acts and policies for the suppression of the rebellion, and the overthrow and the full and complete annihilation of the so-called Southern Confederacy.

Resolved, That the Convention is hereby requested by us to pass an act disfranchising every person in Missouri known to have been in arms, or to have encouraged the rebellion by giving aid and comfort to rebels, and who still continue to sympathize with those in arms against the Government of the United States, or the Provisional Government of the State of Missouri.

Resolved, That the loyal people of this State have the right to choose their own rulers; and we hereby call upon the State Convention to order an election, without delay, for Governor and other State officers who may have been appointed to fill vacancies.

Resolved, That we consider those men holding commissions, either in the Federal or State service, who denounce the various measures adopted by the Administration to crush out treason, as unworthy to hold the position they now disgrace; and if they have one spark of manhood left, we call upon them to tender their resignations, that their places may be filled by loyal men.

Resolved, That times like the present demand of all good citizens loyalty the most unflinching and outspoken, ever giving the most active sympathy and support to the Government; and we regard the men whose efforts are spent in condemning and denouncing the efforts of the Administration to crush this rebellion, while they have no rebuke for those of unparalleled enormity perpetrated by the rebels, as traitors at heart, equally guilty, and far more mean and contemptible than those who have taken up arms against the Government.

Resolved, That a copy of the proceedings of this meeting be sent to Thomas Scott, our delegate to the State Convention, as expressing our views on the question involved in them.

Resolved. That the proceedings of this meeting be published in the Missouri State *Times*, and other loyal papers be requested to copy.

On motion, the meeting adjourned.

JNO. S. FRANKLIN, *Chairman*.

CORNELIUS LOWE, *Secretary*.

Mr. SAYRE. I desire to say but little at this stage of our proceedings; but I particularly wish to bear my testimony in reference to the question under discussion, so far as it relates to the county from which I come, and to say that a full and fair vote of the loyal people could not be had. I believe I am correct in saying that not more than one in four, certainly not more than one in three, could be induced to vote at the present time. The election would be carried by the military, as elections have been in times past. I hesitate not to say, Mr. President, that an election in that part of the State to which I refer, so far from being a free expression of the will of the people, would be a forced, and therefore a false, expression of their wishes.

One word, sir, in reference to the incumbents of the offices who are sought to be displaced by this resolution. I ask, sir, if these officers do not hold their positions according to law? There have been times when we might have deposed these officers, had their conduct justified such a step; but I ask, what have they done to justify such action? There were good reasons for deposing the former government—they were displaced for treachery; but I would inquire, in what respect the present incumbents have failed? Are we to treat them as traitors? These gentlemen hold their offices by law, and if we are to take some gentlemen who have spoken by their professions, they are opposed to breaking the law; then why will they do it, and disturb society by such acts? This is the place and this is the time for the exercise of a wise conservatism. What are the reasons which gentlemen give for the course they recommend? They would have us understand that there is a restlessness in the public mind in regard to the occupancy of these offices. Is this assumed restlessness in the public mind a matter which should influence the action of this Convention? and especially when it is known that this condition of the public mind is confined, for the most part, to small places that have been under the control of the military, and that has found expression at small meetings where twenty-five persons or thereabouts have undertaken to give expression to the sentiments of nearly as many hundreds. These opinions, sir, may be the views of a few persons, and of officers and soldiers from other States perhaps, but they do not represent the opinions of the people. I know something of these so-called public meetings. They are *not* public meetings, though they are professedly held with open doors; they are, for the most part, such gatherings as could sit in a bed-room. Such meetings do not represent public sentiment, and it would be ridiculous to admit such an assumption, or to deprive these officers of the Government of their positions on the ground of such an amount of "restlessness" as these meetings represent.

This restlessness in the public mind is, to some extent, due to the course the President of the United States has seen fit to take—a course not in accordance with the general opinion. But it serves as a basis of assault on all who do not wholly coincide with those views; and the Governor, Lieutenant Governor, and Secretary of State, are assailed for wishing to pursue a policy contrary, as it is said, to the wishes of the people, and contrary to the desire of the Executive of the United States, but which, in my opinion, would be contrary to the wishes of the great bulk of this Convention, which more nearly represents the wishes of the people than any body ever before elected in this State. For my part, Mr. President, I do not admit the exigencies which require us to interfere and turn these gentlemen out of office. They have been tried, and not found wanting, and no necessity exists for breaking our faith with them. And where is the necessity for taking the property which these gentlemen have in the offices away from them, and turn them out of office, untried, unheard? There is no necessity and no reason for us to set

such an example of lawlessness to satisfy this "restlessness" in the public mind.

Mr. GRAVELLY. I very much regret, sir, that it has been the pleasure of gentlemen in the Convention to assail those whom they are pleased to term radicals, and to declare that an attempt is made, by threats and clamor, to deter members from their purpose. While I do not consider myself really radical, I know I represent a constituency essentially radical on the subject of slavery, for they are in favor of unconditional and immediate emancipation; yet, if I understand the gentleman from Randolph, the opinion of these very men who have stood by him through all the troubles of the past, he regards as revolutionary, and tending only to the overthrow of the Government. Now, the clamor of the loyal people of Missouri has its influence on my mind, while the clamor of those who would seek to destroy our Government has none. I voted with the gentleman to overthrow the government of Jackson, because he was an enemy of the Government; and when we were told it was revolutionary and wrong by men who sympathized with Jackson, I paid no heed to their clamor, nor did the gentleman from Randolph. But when the men of this State who have stood by the Union and voted for it are charged with preventing men from expressing their honest sentiments; when we are told we cannot have a fair election, and these men are classed with the Jackson dynasty, whether directly or indirectly it matters not, I say it is, in my humble opinion, exceedingly unjust. I represent a constituency that is in favor of immediate emancipation, and who desire to be permitted to elect their officers of State, and their clamor, I say, does affect me, and I intend to represent their views here. And while I very much regret to hear my constituents, who have suffered so much, and who are yet willing to suffer for the preservation of this Union, regarded in the same light as Secessionists, I reply, that such assertions will not deter us from urging the emancipation of slaves in Missouri at a time when we believe the welfare and interests of the State demand it.

I believe, sir, that a fair election could be held; and I do not desire, as has been insinuated, by asking for an election, to cast any censure upon the present incumbents, for I am willing to vote for the re-election of these gentlemen. I have never distrusted them. I regarn them as firm friends of the Government and true patriots, and have not a word of censure for them. But the people desire to elect their own officers, and I contend that they are only asking for that to which they have a perfect right. Every member of this Convention will remember that when we deposed Jackson's traitorous government, and inaugurated the present Provisional Government, it was the full understanding of the Convention that an election by the people should take place at the earliest possible moment. That time, I believe, has arrived.

I regard it as unjust to the military to say that they have interfered in elections in this State. So far as my own knowledge extends, I know the assertion to be unjust. It is unfair to assume that there can be no fair election. Where is the military to prevent it? Is there no militia? Are there citizens in the counties that would prevent a fair election being held? and, if I am correctly informed, nearly all the soldiers to be found in the State are north of the river; and I know, sir, there are no soldiers in the southwest who would prevent citizens from expressing their honest sentiments. But, sir, the people in the southwest are radical on the subject of slavery; they desire no delay in the emancipation of the slaves; and, further, they claim they have a right to vote for officers of their own choice, and I, for one, am ready to give them that opportunity.

Mr. SOL. SMITH. Mr. President, this being but a question of reference, it appears to me rather too wide a limit has been allowed members in debating it; but as this is somewhat of a leisure morning, (waiting as we are for the report of the Committee on Emancipation,) I propose to notice some of the remarks of gentlemen who have joined in the discussion.

The report of the committee will not be final as to the action of the Convention; I shall therefore vote for the reference, as I invariably do when an important proposition is brought before us.

[Mr. S. then read from the St. Louis *Republican* a paragraph, preliminary to a translated article from the *Neue Zeit*, in which the editor intimates that the Convention has decreed that an election shall *not* be held for Governor, &c.]

I beg leave to say that the editor of the *Republican* is mistaken in this. The Convention has decided no such thing, nor has it indicated by any vote what its course will be on this subject. Mr. Eitzen last week introduced an ordinance providing for such an election, and that resolution was laid on the table, which, as any one in the least conversant

with parliamentary usage knows, meant nothing more than that it was not convenient to consider it at that particular time; but it can be taken up by a majority vote at any time, unless a special order intervenes and prevents. The "killing at first pop" of the emancipation ordinance introduced at the last session by my colleague, (Judge Breckinridge,) seems to have imparted to members and others the idea that an order to table a resolution or an ordinance kills it. The overwhelming majority for laying that ordinance on the table (52 to 19, I believe,) discouraged all from moving to take it up—and there it lies yet, not dead, but sleeping; no one now so poor as to do it reverence. The ordinance introduced by the gentleman from Hermann may be called up at any time, unless the action on the propositions now before the House shall render it inexpedient to disturb it.

Mr. President, it has been said by speakers that a "clamor" has been raised—not by members of this body, but by outsiders—to influence the action of the Convention on this and other matters. It is truly said. There *is* a clamor; an unnatural clamor; a false clamor; a clamor originating, as I believe, in a committee in St. Louis, which has sent out a circular to various parts of the State, a copy of which has been read here, recommending certain resolutions for adoption by public meetings to be called for that purpose. My colleague (Mr. Drake) came very near saying those resolutions had been adopted by a majority of the counties of the State, calling on this Convention to order an election for Governor and other officers; but he recalled the words in time, and escaped a dilemma. And this is called "the public sentiment." A member said, not ten minutes ago, that in his county about fifty persons attended the meeting there, and not half of them lived in the county the public sentiment of which it pretended to represent. The meetings are held wherever the circular reaches; and nowhere else, that I can learn of. I trust, Mr. President, I am as ready as any member here to act in accordance with public sentiment, especially when that sentiment accords with that of my constituents; but when a *manufactured* public sentiment is held up a guide for my action, I shall fall back upon my own judgment, and do what I think is right, regardless of the false lights set up before me. I now read the translation of the article remarked upon by the *Republican*:

"WHO IS TO BE GOVERNOR?

"Mr. Eitzen, of Hermann, has introduced an ordinance into the Convention, appointing the first Monday in August as the day when an election for Governor shall be held, and it is hoped that a majority will be gained for this ordinance, as its fairness is too evident. In that case we hear even now, already the names of Col. B. Gratz Brown and Gen. Ben Loan as the men on whom the emancipation vote of the State could be best united, and who would exhibit the most energy in dealing with the secessionists' rabble, and the lukewarm gentlemen at Washington. Senator David Wagner has also been named. It is to be hoped this will not cause us to lose sight of B. Gratz Brown as candidate for the place of United States Senator.

"P. S.—The Convention has again killed the question of an election 'on the first pop,' as it killed last year the question of emancipation. *The Convention wants no election.*. The people are not to be permitted to have a voice. The Convention will, at the utmost, be gracious enough to throw a few crumbs to the people, believing that they must be satisfied with it. *Damn the Convention!*"

I beg pardon for *repeating* the last three words. They sound strangely to ears polite, and they look strangely in a newspaper. I remark, in regard to them, that they remind me of the criticism of an Irishman, who witnessed an encounter between a bull and a locomotive, in which the former came off worsted, (was killed, in fact,) which was this: "Mr. Bull, I admire your *courage*, but I can't say much for your *prudence*." So in this case—one may possibly agree with you, Mr. Editor, in the sentiment, but it is quite impossible to admire your language. Neither can we agree as to *facts*. I deny that the Convention has indicated, in any way, that *we want no election*. So far as I can judge the sentiment of the Convention, it is *in favor* of an election, the *time* for holding it being the only question in which a difference of opinion may exist among those favoring it.

I do not wish, nor do I mean to be driven or scolded into any action my judgment does not approve of; and I take it for granted all the members of this Convention will act in the way they believe to be right. We may be "antiquated," "senile," and somewhat "old fogyish;" I suppose some of us are; but I deny that we are usurpers, as has been charged, and insist upon it we have so far acted in accordance with the will of the people. I hope we shall continue to do so to the end, regard-

less alike of threats, blackguardism and clamor I now, sir, with a view of having a report made on this subject, that we may decide fairly and justly, move the previous question.

Mr. BIRCH. I move that we now adjourn to 3 o'clock.

Mr. DRAKE. I call for the ayes and noes.

Mr BIRCH. Rather than subject the House to any inconvenience, I will withdraw the motion.

Mr HALL of R. I move that we adjourn to ½ past 2.

Mr. GANTT. I call for the ayes and noes.

The adjournment was carried by—ayes, 49; noes, 25.

AFTERNOON SESSION.

Convention met at ½ past 2.

Mr. BIRCH. [Here followed a speech by this gentleman, but, not having been furnished the printer in time, it may be found at the end of the last day's proceedings.]

Mr. SOL. SMITH. I withdraw the call for the previous question.

Mr. HALL of Randolph. The original resolution, offered by the gentleman from St. Louis (Mr. Drake,) instructs the committee to report an ordinance providing for the election of certain State officers. The substitute, offered by the gentleman from Adair, (Mr. Foster,) provides that the committee shall consider the expediency of electing these officers, and report as speedily as possible to the Convention. In considering whether the substitute shall be adopted or not, we have to consider the original. In considering its merits, we have to consider the propriety of an election by the people, for if the original should be adopted, the committee is bound to report in accordance with the views expressed in the original. The gentleman from St. Louis, as I understand, considers that the Provisional Government expires with the Convention. Such is not my view of the Provisional Government. I consider, and have always contended, that it is as legal and valid, for all intents and purposes, as that we deposed. The Convention providing for a government is a body of the same character as that which provides for the original government, and they have the same right to provide for a government that the original Convention had to provide for the original government. The Union men in this State have always maintained that, for the tenure which this Convention fixed for that government. it is, to all intents and purposes, a legal and constitutional government, and, if we depose that government, we depose a constitutional government; we exercise extraordinary powers—the same powers that we exercised when we deposed the bold, bad government headed by Jackson. While the incumbents of the present offices have not, in all their acts, come up to my views of policy; while I object to some of their acts; they have not been so objectionable that I am prepared to inflict upon them the sentence that we inflicted upon Jackson and the treasonable cabinet which we deposed. We have established this government up to the period of the next June election; we hesitated much as to the propriety of it; at any rate we concluded that we would give the government a limited tenure, and leave it to the people to change afterwards if they saw fit. But after being informed of the true state of the country, we met and changed that tenure to the usual period of elections in 1864; and until the expiration of this period it is as valid and constitutional as the government of C. F. Jackson. The question now is, whether the conduct of this Provisional Government has been such, and the parties composing it such, that it is our duty to inflict upon the incumbents the sentence and penalty we inflicted upon traitors. Now, gentlemen, I am not prepared to do so. Gentlemen reasoned as though this government was to retire with the Convention; but the government is no more the agent of this Convention than was that of Jackson of the constitutional State authorities previously existing. We are not the government. We frame the government, but we do not constitute the government. Our acts will—at least some of them—continue years after this Convention ceases; but will, I contend, either for good or evil, be valid and binding upon the people, and can only be changed in the way prescribed by the State Constitution.

We have established a Government here by law, and supported it by arms, and have come before the people to defend it in every way we were able to do. Shall we now set to work to pull down that which we have been at such pains to erect? The cry comes here that there is an imperious demand by the people that we shall do it. We have heard this "imperious demand of the people" against deposing the government of Jackson, but did you shrink from your duty then? It was the opinion of many in this Convention at that time, that three-fourths or four-fifths of the people of this State

would refuse to ratify that action, and under the influences then existing in this State—I mean more especially after the battle of Wilson Creek, and after the administration of Fremont in this State had brought us nearly to the verge of ruin, and his gross blunders had established Price in the heart of the State—had we submitted this to the people, not one in ten would have voted for it. But we were not discouraged; we felt we were in the line of our duty. The measure may have been extreme, but we were prepared to adopt it as a necessity.

The cry that is raised now, demanding that the election be submitted to the people, is the same as that for which I previously entertained the same contempt. It is a cry that no honest man can comply with, and that no honest man would ask. I say this as respectfully as I can. I wish to give no offence to any member of this body; but I say that the principles which lie at the foundation of this thing of immediate emancipation, are utterly subversive of every principle on which society exists, and that no honest man can demand it.

We have been told by gentlemen of intelligence and learning, whose speeches showed them to be men of marked ability, that the ownership of slave property was confined to about twenty-five thousand individuals; and should the welfare of twenty-five thousand citizens stand in the way of the prosperity of the State? We are told that they should be deprived of their property at once, for the public good, for the good of the many, without compensation; that those men who have acquired that property, under the pledge of the Constitution, in the most solemn form in which the State can bind itself; who have laid out their money, their labor and their lives in acquiring property for which stronger pledges were given than for any other, for it is the only property for which the pledge of the Constitution is given, must now give it up; and you break your faith with that class of men because some of you would profit by it.

Why, gentlemen, we owe twenty-seven millions of dollars of public debt. The number of bond-holders may not be over five thousand. Some one might say, "This is but a small class interested in this large amount of debt; it would be a great relief to the people of this State to have this burden of debt removed; it would be to the interest of the people of the State, by a sacrifice of the few, to wipe out the debt and repudiate it."

These gentlemen would shrink just now from advocating that measure, for there is not a strong repudiation party in the State; but the principle is identical, though the practice would not inflict as great injustice.

And, gentlemen, when you get to that point, do you suppose that the men who are advocating such principles are going to stop? What will be the next step? The next demand will be whether the property-holders of the State, the wealthy men, who are but few compared with the great body of the people, whether they are to enjoy all the comforts and luxuries of life, while many others are in a state of suffering and privation. Why should not the interest of the few yield to the good of the many? Why should not the riches of the few be taken and divided among all? Gentlemen, you have asserted the very principle that leads to these things; you are fostering a spirit which will, in the end, destroy every vested right, utterly subvert society, and reduce us, step by step, to anarchy, and next to despotism. There are principles of justice lying at the very foundation of society that you cannot violate with impunity. If you see a party that is defending and advocating these principles, I tell you they are the enemies of society, and there is no compromise with them; they have got to be met; they have to be put down, or society will perish. There can be no compromise with such. It is because I have seen and felt that this spirit was growing, and more especially in times of trouble like these, that I have looked around to see if I could not unite elements strong enough to repress it. And, gentlemen, I thought I had seen them. When I have witnessed the gallant struggle of the gradual emancipationists in St. Louis against these radicals; when I have seen these men breaking the party associations and party ties, rather than endorse doctrines so monstrous, I have felt that they were allies in such a struggle; and when I have seen the friends of gradual emancipation in the Legislature endeavoring to stave off these moral enormities, I regard them, too, as allies. As for me, I am an anti-emancipationist in principle, feeling and sentiment. I have done everything I could to stem every movement of the kind. I moved to lay the anti-slavery question on the table, when it was up in Congress, when it was proposed to compensate slave owners, because I thought it would defeat this emancipation movement. I profess no change of sentiment on this subject. But I have seen another danger—an appalling danger—one that attacks not only slavery, but

every right, and I know not where to find the elements and the power to resist it. I am prepared to meet and extend the hand of fellowship to those men, who, while they desire emancipation, still respect right and justice, so that we may form a power in this State that shall put down this radicalism, that will, unless curbed, ruin our country. Now, gentlemen, who propose to bring this election before the people, you have heard what the gentleman from Clinton has said here. Every man in the land knows that those things are occurring; there are few of us who have not witnessed excesses of that sort, and, where we have not seen them, we have had their authentication placed beyond doubt. We cannot get a free, full and fair expression of the people's will. Why, gentlemen, in St. Louis, where you have securities that are not possessed elsewhere in the State, you have had an election, and the member elect comes in by about 5,000 votes, while perhaps not one of you who was not sent here by less than from 15,000 to 20,000 votes. There is no diminution of population that will account for the difference. It is so all over the country. We are in no condition to have a fair expression of the will of the people; and knowing that, why do you, gentlemen, desire to submit these things to the people? Conservative men desire peace, the whole country over; they seek to avoid danger, and the occasions that bring it about; they are men who respect law and order. But gentlemen propose to go into this struggle, and they avow their intention to carry it through at every hazard. I am opposed to the whole of it. This Convention has established a government which I believed at the time, and still believe, should live out the period for which the Provisional Government was established. If we reverence our Government, we do it in an extraordinary way; on the contrary, we give good ground for a charge of caprice, in hazarding, by our unnecessary changes, dangers that we all should most carefully avoid.

Mr. STEWART. My honorable friend of Randolph thinks slavery is a fixed institution. I should like the honorable gentleman to tell me how long he thinks it is going to live. We are living in revolutionary times, and I am not sure that the people are quite satisfied with the reigning powers in this State. For myself, I object to a perpetual running machine, as well as to a mutual admiration society, which the ruling party seems to resemble. We deposed the Jackson government, and we deposed the Legislature, and we brought the civilized world to understand that no traitor could hold office in the State of Missouri. That was right; but it does not follow by any means that because some men got into office, that they have a right to perpetuate themselves. It has been said that we have sworn to support the Provisional Government. I took a solemn oath to support the Provisional Government; but that does not compel me to hold on to a dead carcass. Gentlemen say that for Messrs. Gamble and Hall to submit to be again put before the people is to inflict disgrace upon them, as they did upon Jackson and his crew. I do not think so. I think they should submit their claims to the people, and, if they can get a majority vote, all well and good. You passed a resolution to that effect last session; but they came to the conclusion that a bird in the hand is worth two in the bush, and they have run the machine ever since. I do not object to it particularly, but my constituents do. Some gentlemen seem to have a great horror of revolution. Now, I have no objection to revolution in public sentiment. And it has been charged here that every radical is a revolutionist. To be a revolutionist is not the worst thing in the world. If we had no revolutionists, we should have had no railroads or canals, and should have made no advance in knowledge or science. If you don't want revolution, you will have to take the back track, and keep railroads out of the way.

My honorable friend from Randolph has let the cat out of the bag. He is, he said, opposed to emancipation *in toto*. If we don't keep the nigger here we shall go to destruction. I take it that the nigger is the cause of our trouble; that is, the disease. Now, if I want to get rid of the disease, I amputate the limb. For my part, I cannot see that by getting rid of the negro we are going to uproot society. I think, that when we have got rid of this infernal rebellion, we can, even without the nigger, build up society again; our farms will again be cultivated; the busy hum of industry will again be heard; the mechanic will again be seen in his shop, and the farmer at the plow.

Mr. HITCHCOCK. The question before this body does not seem to me to be in a condition for a vote to be taken upon it. It is susceptible of it, and I ask that a division be had when the vote is taken. The resolution offered as a substitute proposes to change the original resolution in three points, neither one of which is important, and upon each one of which there are differences of opinion that would preven[t]

any member perhaps from voting for all alike. The defects of the substitute involve a discussion of the original. I regret the kind of discussion that has been gone into by several gentlemen, who have introduced topics that really have no connection with this question, and which it is improper to introduce. We are not discussing the question of immediate emancipation, but simply the propriety of holding an election for certain officers of the State next fall. I say at once that I shall support the resolution to hold the election. The gentleman from Randolph has, I am sure unintentionally, done my colleague injustice in arguing that those who are in favor of an election contend that with the adjournment of this Convention expires the right of the officers whom this Convention appointed to longer hold their seats. I do not understand that any such proposition has been made; I certainly do not hold any such opinion. The fact is, the present Government stands in force till next year; so I contend, and my colleague undoubtedly entertains the same view, unless this action should now be taken by this body. If this Convention should refuse to change the existing ordinance, it remains in force, and those now in office will remain the rightful incumbents. I pay no regard to the allegations that have been made here, that we are a body of revolutionists. I deny it now, as I have denied it from the first. I should greatly lament if the loyal people of this State were to be led away by any such idea as that alleged to be entertained by the gentleman from Randolph; that is, revolutionary, in the sense of doing that which is opposed to law. I contend that the power exercised by this Convention, and the power which alone is supported by the people, is not revolutionary; it is super-constitutional and coördinate with it. The power which this Convention exercised in deposing the rebel government is a sovereign power, but it is one expressed and provided for by the Constitution. Therefore, the idea that our object here is to fill offices which it is supposed will become vacant because the Convention expires, and the idea that this is simply a revolutionary body, and not bound to regard the fundamental principles of the law in its every action, I wholly repudiate.

The gentleman seems to have forgotten the facts of our former action and present position. What have we done in regard to the State Government? What has been the professed principle that has guided this Convention in its actions? In July, 1861, it installed the provisional State officers. They were *provisional* because they were obliged to be put in office to meet the emergency. This body then resolved to submit the question to the people and provided for the fall election of those officers. In October we met again, and on the ground that the emergency that we hoped would have ended by the fall still existed, we repealed that ordinance, and declined submitting the election to the people, because it was known that such an election could not be held. Again this body subsequently met in June, 1862, and it must be in the memory of every gentleman that an ordinance was adopted to the effect that all ordinances passed by the Convention submitting its action to a vote of the people were repealed. The present officers, therefore, it was determined should continue to be the incumbents till the expiration of the term for which their predecessors were elected. What was the ground for such action? Clearly that we did not know what the future might bring forth; and though we had provided by stringent oaths—such that the gentleman from Clinton objected to, but which we hoped were sufficiently binding—it was not thought wise to take for granted that those safeguards were sufficient, and therefore, with every consideration of State necessity and policy, while they provided for the election of a State Legislature, this body deemed it wise to postpone action in reference to the State Government by which they might have risked and possibly lost all. I heard no other argument seriously urged; but whether there was force in the argument or not, it was deemed sufficient to decide their course at the time. From what I have said, it seems to me that the feeling of this body at the time was, that while we were competent, in sustaining the laws and the Constitution, to depose a traitorous executive and supply their places with provisional officers, yet the principle that underlaid such action was that we had no desire to exercise that power longer than the extraordinary emergency required it. I can see no other ground upon which that question should be discussed now. I can see no other ground upon which we are called upon to decide whether it is proper or not that the election of State officers should be held at any time earlier than that on which they will vacate their offices by law. It may be asked why the present incumbents should hold their offices after the present Convention shall have adjourned. It may be asked why this body adjourned over from the last session.

This body would have adjourned last summer *sine die*, had it been considered safe to have done so; but it was deemed the wisest plan, in view of all possible exigencies, to meet again. They were not willing to risk all the State offices, and it was believed that by continuing in existence, and by retaining a State Government known to be loyal, the State would be safe, and there would be no real danger even in the event of an election of a disloyal Legislature, if such should be possible.

It strikes me that the question really before us is whether this body shall proceed to the election of a new Governor by the Convention, or whether there shall be an election by the people. For assuming, as I do, that this body will adjourn before the first of July, I am surprised that no gentleman has noticed the fact, (though it has been spoken of in private,) that, under the constitutional requirements, an election for Governor will be ordered by the Lieutenant Governor. I am therefore surprised that it has not been recognized by the Convention that the question is whether this Convention shall elect, or whether the election shall be ordered by the Governor to be held by the people.

If it be argued that the State of Missouri is in such a condition now that it does not permit of an election, and if gentlemen on that ground feel called upon to elect a new Governor, I have nothing to say. This is the only explanation, as it seems to me, and the only thing that remains is to say whether an election *can* be held. Perhaps I am not able to speak positively, but so far as St. Louis is concerned, there can be no question that a free and fair election can be held. Members of the Legislature were elected, and Congressmen were elected, and I see no reason for doubting that an election of State officers could be fully and fairly carried out in that city. That force may have been employed, and illegal measures resorted to in some parts of the State, I am ready to admit; but I submit that the only question now is, recognizing as I do the importance of the election by the people, that if it can be held it should be so determined by this Convention, and the only thing we have to decide is whether we shall hold the election, or whether it shall be submitted to the people.

There is another point to which I desire briefly to refer, and which I have much regreted to hear introduced in this discussion; it is that officeholders have a property right in their offices. I cannot, Mr. President, subscribe to any such principle. I regard such a doctrine as a most degrading and ruinous proposition. No office is the property of any man; every office in the gift of this Government is a high and sacred trust, committed to this or that man when the office is bestowed, with the full understanding and belief that he will honestly and faithfully discharge the duties he is sworn to perform; and the idea that any man should claim that he has been invested with such a trust in the light of having it bestowed upon him as property, and that it would be a breach of faith to deprive him of it, it seems to me, if generally admitted, would rob the incumbents of all the honor and dignity which a faithful discharge of the duties of their office entitles them to.

I am sorry to hear gentlemen speak of the election as *deposing* the present incumbents. As far as the Governor is concerned, his resignation disposes of that. We certainly shall not depose Governor Gamble. In receiving his resignation and remitting the question to the people, we shall only be acting in conformity with his views of the best course to pursue in the present condition of affairs in the State.

Mr. HALL of R. In discussing this question, I discuss it purely as a question of principle. I felt that possibly there might be some indelicacy in my speaking of it, in consequence of my relation to the Lieutenant Governor, but I desire to express my opinion on the principles involved, and I thought it proper to do so notwithstanding that relation.

Now, so far as the sentiments of the Lieutenant Governor are concerned, as the subject has never been mentioned between us, I do not know what his views are; I have not considered it right or proper to ask him. I act in this matter as I would if it referred to any other individual. I have thought it proper to say this much, that the interest I take in this subject may not be considered partial or of a personal character.

I know this, that both Governor and Lieutenant Governor accepted their positions with reluctance and after much solicitation, and during their occupancy of office have expressed a desire to get rid of it. I have remonstrated against their resigning.

There is one suggestion that I have omitted to make before; I will make it now. The last two years have been a period of great vicissitude. Whatever our action has been, or may be, we know very well that the results of an election would be much influenced by military

possession. Now, sir, I recollect that when we met last June, I was very much in favor of elections by the people at the regular election time in August; I was in favor of it from the assurance I had that there was no danger of interruption. I went immediately to Washington, and returned home in July. The day I got home the military were driven from my county, and, in less than a week, there were 1,500 rebels in possession of it. Now, sir, it is a bare possibility, a painful thing to contemplate, but we must look things in the face, and anticipate all changes if we would act wisely. It is barely possible that the Confederate army may take Washington; it is barely possible that we may not capture Vicksburg; we may experience reverses at these points, and especially if we fail to take Vicksburg it would produce a very material change in the aspect of things in this State. We may be invaded again, and again in possession of the enemy; and if the election comes on at that time, we should again have a disloyal government. The general impression seems to be here that this is the last session of this Convention—that, upon adjournment, it will adjourn *sine die*. I question the prudence of this, for, gentlemen, we should have a disloyal government without a Convention to depose it. It is well to look at all contingencies—to consider everything that may arise. How often have we been disappointed! How often, when the restoration of the Union seemed to be within our grasp, have we been disappointed! The rebellion has grown in magnitude, and the reverses of our arms have totally changed the aspect of affairs in the country, and made the hearts of patriots sink within them.

Mr. President, when we deposed the former Governor I avowed my determination that I would not live under a government that was separated from that of our fathers, and I made up my mind that I would do an act that would drive me from this State if ever it become part of the Southern Confederacy; and I expect to live and die under the stars and stripes, the beloved emblem of our nation.

Mr. BRECKINRIDGE. With regard, Mr. President, to the question brought before this body by the resolution providing for an election, I wish to say a few words. I came here, sir, after having very carefully considered the subject, with my mind definitely made up not to vote for an election for Governor and other State officers, unless some great change in the posture of affairs should occur. That was my purpose, changed only by the fact that Gov. Gamble has thought proper to resign. I greatly regret that he has done so, because it adds to our difficulties, and tends to complicate troubles already great enough. I should have advised against it earnestly, if I had known it was the intention of the Governor to resign.

The resignation is to take effect on the last day of our session. Very probably the Convention will adjourn before the first day of July. The Legislature to be elected in the fall of 1864 will assemble on the last Monday of December in that year. The Constitution provides that if the office of Governor shall become vacant more than eighteen months before the expiration of the term for which the Governor shall have been elected, it shall be the duty of the officer exercising the powers of Governor for the time being, to cause an election to be held as soon as may be, giving three months' previous notice thereof. The Secretary of State is by law required to lay before the General Assembly, within two days after the meeting of each House, an abstract of the vote given for Governor, and the two Houses are required without delay to ascertain and declare the result.

So that if this body shall adjourn prior to July 1st, it would probably be the duty of the Lieutenant Governor (depending on the date in December, 1864, on which the fourth Monday falls) to order an election.

If, on the other hand, we should not adjourn before the first of July, certainly we shall very soon after; and even if this should bring the date of the Governor's resignation within eighteen months of the expiration of the term for which he was chosen, it is easy to see that the Lieutenant Governor would be placed in a most embarrassing position, since in the present state of the popular mind in many sections of the State, an imperfect knowledge of the law, as I have just stated it, would certainly tend to increase the restlessness and discontent of those who now desire an election, and might give plausibility to the allegation of an usurpation of authority by the acting executive officer. Now, sir, I say this Convention cannot properly place an officer chosen by itself in a position so embarrassing, when it shall no longer be in existence to aid, advise and support him; nor have we any right to add to difficulties which are already great enough, or to do anything that may create, or leave undone anything that may prevent, future trouble.

It seems to me, sir, in view of all the facts, to be the duty of this Convention, either to elect a Governor itself for the remainder of the term, and instal him in office, which it has an undoubted right to do if necessary, or to appoint a time when a Governor shall be elected by the people.

If this last conclusion is reached, it follows, I think, that at the same time the offices of Lieutenant Governor and Secretary of State should also be filled by popular election.

It is hardly necessary for me to say that I intend nothing derogatory to the gentlemen who now hold those offices. For them I entertain the highest personal regard, and in their ability and patriotism I have entire confidence.

I claim that this Convention had full power to elect the incumbents of these offices for the whole remaining period for which their predecessors were chosen; still I have always contended, as my fellow-members will bear me witness, that we should return to the regular and ordinary methods of election at the very earliest moment consistent with public order and tranquillity.

Now, sir, if an election is to be held, I desire to postpone it as long as it can be properly done. I admit there are difficulties existing in the State which render an election undesirable. No perfectly satisfactory election can be held unless absolute peace and tranquillity prevail; yet, under present circumstances, I think it best to risk an election rather than adopt the alternative of electing a new Governor by this body. And it is satisfactory to know that the Legislative and Congressional elections, held under our ordinance, though no doubt some difficulties occurred and some outrages were perpetrated, were, in the main, properly conducted. Desiring, however, to secure as peaceful and orderly an election as possible, I shall, at the proper time, seek to amend the original resolution by substituting the Tuesday after the first Monday of November for the 6th of October, as now proposed. That would seem the best date, for the additional reason that it is the season of the year at which, under our Constitution, our regular elections are held.

I desire now, sir, to notice very briefly some of the remarks of the gentleman from Randolph (W. A. Hall).

I cannot suppose that that gentleman intended to say anything personally offensive to me, because he prefaced and accompanied his remarks with the expression of his desire and purpose to avoid saying anything which would be disrespectful to any member of this body; but I think it due to myself to say, in reference to his remarks upon the subject of emancipation, that if that gentleman supposes that I am, or ever have been, allied to any party in this body, or elsewhere, which is, in its doctrines or its tendencies, revolutionary, he greatly wrongs me. If that gentleman would consult the people whom I have the honor, in part, to represent, he would find that I am, and always have been, pledged to conservatism—to the preservation of justice, truth and right—and whenever, in that community, associations have arisen giving the least intimation of revolutionary, unjust or unconstitutional proceedings, I have, in my humble way, attempted, with whatever force I could, to resist and overthrow them. In the recent contests in that community, of which the gentleman speaks with eulogies upon those whom he styles gradual emancipationists, I would have him to know that I stood shoulder to shoulder with them; and while I felt bound by the proprieties of my judicial office not to take active part in merely political contests, I have acted, from first to last, with those who are reckoned conservative as against those who are reckoned radical. I desire to have this clearly understood, because, greatly to my astonishment, I find that that gentleman attributes to me, because of a proposition concerning emancipation which I had the honor to submit the other day, doctrines which he thinks revolutionary.

I desire, sir, that he should understand this, which I believe the loyal slaveholders of Missouri will now, or, if not now, will soon perceive, that the proposition I had the honor to submit was conceived with an earnest desire — meeting the exigency wisely — to consult the best interests of the slaveholders themselves. And I confidently anticipate from the loyal slaveholders of the State, when time has been allowed them to learn and consider our action here, a verdict declaring that such a proposition, under the actual circumstances of the case, was more likely to promote their best interests than that which it is understood the gentleman is willing to support, and which contemplates simply the prohibition of slavery after the first of January, 1876.

These, sir, are matters about which the wisest men may well differ; but the objects which I have sought to accomplish are these: to secure to the slaveholders of the State, as far as possible consistently with peace and order, all their

rights; to secure the peace, quiet and tranquillity of the State in which I live; whose people have honored and trusted me, and whom I love; and by such action as would promote both these ends, to demonstrate, once and for all, the inflexible loyalty of our people, and our fixed determination to abide by the Union, and labor for its preservation. And am I, sir, while seeking these ends by the means which seem best adapted to secure them—am I, sir, to be arraigned as one who seeks by revolutionary methods to destroy the rights of any man in this State unnecessarily? Am I here to be accused, arraigned and required to defend myself against the charge of yielding to popular clamor, when the best years of my life have been spent in resisting it?

I have thought it just to myself to say this much. I find that an overwhelming majority of the loyal people of the State have come, by various routes, and for various reasons, to the same conclusion, that, situated as we are, slavery must be removed from Missouri. Having reached this conclusion, they look to us to solve the problem and ascertain the method, in the spirit of justice and sound statesmanship. After careful examination and anxious thought, I see no plan that will, in my judgment, accomplish this result with so perfect a regard to the rights of slaveholders, with so sure promise of giving peace and tranquillity to the State, as the one I have had the honor to propose. In this I may err; and certainly the whole subject requires, at the hands of the representatives of the people, full, careful, calm, unprejudiced consideration. Doing what I can to promote this end, and earnestly desiring to consult the wishes of the people, I shall still resist, in the future as in the past, any attempt to do any wrong to any portion of the people; I shall resist, God helping me, mere popular clamor, and shall allow myself to be moved by no such influence. But I shall hope that, as wise men, we shall show that we are willing to consider all the circumstances that should dictate and guide our action.

Mr. Drake. If there is no other gentleman who wishes to make any remarks, there are two or three points that have been introduced in the debate to which I desire to reply, and which will not take more than a minute or two to dispose of. As I believe it is proper that the mover of the resolution should close the debate, I will defer these remarks till all who wish to debate the question shall have had the floor.

Mr. Phillips. I desire to call the attention of the Convention to one of the rules it has accepted for its guidance, and which is as follows: "That no member shall speak more than twice on the same question without leave of the Convention, nor more than once till every other member choosing to speak shall have spoken." I do not raise this question to prevent the gentleman of St. Louis from speaking. I am always interested in his remarks, for he speaks well; but it has occurred two or three times that this rule has been violated, and I think the attention of the Convention should be called to it.

The President. I have had this rule in view, and I do not think it is applicable to the gentleman from St. Louis.

Mr. Phillips. The gentleman from St. Louis spoke once upon the resolution, and has already spoken twice upon the amendment.

The President. If so, the rule would apply.

Mr. Leeper. I have voted in every case, as the journal will show, against submitting an election to the people, when I have believed that it was impossible, in certain localities, to obtain a full and free expression of the will of the people. The same objections hold good to-day in some counties of South-east Missouri, where one-half of the entire adult population is to-day in the Southern army. Now, gentlemen, it strikes me, that while we can have no election there, from the fact that the people are no longer in the State of Missouri, but in the Southern army fighting against this Government, that that is no reason why an election may not be held in other counties where this is not the case, and where a free and fair election can be held. I cannot agree with the gentleman from Clinton, who would have us wait till all those now in the Southern army have returned, and give men who have been fighting against their country and the Government a voice in the affairs of Missouri. While I have been steady in my course in voting against an election of officers for the reasons stated, I shall now vote for the proposition to bring the elections before the people at the earliest practicable period, believing that in the greater portion of the State we can have a free and fair election. I am unwilling to wait for the return of men to exercise the right of the franchise, or indeed of those men ever being allowed to exercise that privilege, who have enrolled themselves against the Government of the United States and the Government of the State of Missouri. It has been said on this floor that "the people of the

State who are in favor of the election have consisted merely of squads of ten or twelve persons," and that these are "the people" who have demanded that the election of State officers be held. But I would ask where are the squads of ten and twelve who have met together and demanded that the elections should *not* be held? I have heard of no such meetings anywhere in the State. I shall therefore vote for the proposition to bring this matter before the people at the earliest convenience.

Mr. PREWITT. Mr. President, I am opposed to this whole matter. I prefer the substitute offered by the gentleman from Adair to the original proposition of the gentleman from St. Louis. I prefer it to the other—I oppose both. I prefer the substitute for two reasons. First, because it only orders the committee to inquire into the propriety of introducing an ordinance, instead of ordering it to do so; and second, because if any of the officers of the Provisional Government are to be deposed, I would prefer to make a clean sweep and order an election of all, which the substitute does in a greater measure than the original proposition. But I am opposed to both. The gentleman from St. Louis (Mr. Breckinridge) says he came here determined not to make any change in the Government. Because the Governor has resigned is no reason why he should change his mind and expel from office, and thereby censure all the other executive officers; for no matter how much the gentleman may disclaim it, the world will say and believe that they were deposed as unfaithful servants, and that the Governor would have shared the same fate if he had not resigned to escape censure.

The ordinance under which they hold provides that they shall hold until August, 1864, and until their successors are duly elected and qualified. This provision is now part of the Constitution of this State, valid and binding as any other clause in it. The Legislature cannot repeal, alter or annul it, or expel from office the incumbents. We can do so only by virtue of the extraordinary power placed in our hands to alter or amend the Constitution, as the representatives of the people of the State in Convention assembled. Now, if there was treason in these high officers, or if they had been guilty of any great dereliction of duty, the case would be different, and we might be justified in expelling them as this Convention did Jackson and his treasonable crew. But no charges are made against these officers, and gentlemen admit that they have discharged their duties with fidelity. I am, therefore, opposed to the exercise of this extraordinary power, believing there is no call for it.

It is said that the Lieutenant Governor will be required, under the law, to order an election for Governor. This may be so. I care not whether it is so or not—all I want is that the law shall take its course, that the Constitution shall not be tampered with unnecessarily, and that imputations shall not be cast by this body upon deserving officers.

I do not desire to reflect in any way upon the officers of the Provisional Government. They may have committed errors. No man—no matter how gifted, how pure in heart, how elevated in intellect, or how patriotic he may be—can avoid committing errors. But this I do say. These officers accepted their positions in the midst of perils, such as would make the boldest quail. When a dark cloud of treason was hovering over us, and the storms of war were closing around us, they risked all they had on the issue—they took the helm, and have guided us thus far safely through those dangers; and for all we have left us of prosperity, law and order in this State, we are indebted in a good measure to them. I should be glad if Governor Gamble would withdraw his resignation. But whether he withdraws his resignation or not, I believe these officers deserve the respect, confidence and gratitude of the country; and I am not willing to make a black mark against them.

Mr. IRWIN. Mr. President, it is not my purpose to consume the time of the Convention by indulging in any extended remarks with reference to the question now under consideration. I ask, however, that I may be allowed to say a few words, before the vote is taken, in discharge of what I conceive to be my duty as a member of this Convention. Until recently I have been opposed to any interference, upon the part of this Convention, with the present Provisional Government of the State, so far at least as a change in its officials is concerned. I disapprove of the policy of holding a new election, from the fact that, in my opinion, there was quite enough to excite the public mind, without adding thereto all the agitation that would necessarily grow out of the election indicated. But circumstances have changed. The Chief Executive of the State has signified his fixed determination to resign his position at the close of the present session of the Convention, and his place must be filled by the Convention, or an election by

the people be ordered, unless, indeed, the Lieut. Governor, acting upon a doubtful construction of the Constitution, shall feel himself authorized to continue the exercise of the functions of the office of Governor until the expiration of the term. I presume the Convention will not undertake to fill the vacancy. If, then, a necessity exists for holding an election to fill said vacancy, and the excitement incident thereto will not be enhanced by the election of other State officers, I shall favor the proposition introduced by the gentleman from St. Louis (Mr. Drake). The people are calling loudly for a new election, and the Convention, I hold, should listen to that voice. It must be remembered that the powers exercised by this Convention have been extraordinary, the exercise of which can only be justified upon the ground that there existed in our State an extraordinary state of things, with which all present are fully conversant. Who can suppose for a moment that this Convention would, in ordinary times, have undertaken to depose one Governor and to elect another to fill the vacancy thus created? Yet this power was exercised by this Convention, and rightfully, too, upon the principle above alluded to. But at the time our present Provisional Government was inaugurated, and since that time, the idea has been prominently held forth to the people of the State, that, as soon as it should be practicable, they should again have a voice in making their own rulers. The journals of this Convention will bear me out in this statement. The people say that time has arrived, and, under existing circumstances, I, for one, am willing to give them the opportunity of choosing their own Governor and other State officers. I shall vote for the original proposition, in preference to the substitute, simply because it will attain the object in view with more certainty and with less delay.

Mr. Comingo. If any gentleman could have heard this discussion without knowing what the resolution was that was under consideration, he might be in doubt whether we were discussing emancipation, or the propriety of electing a Governor and other State officers, so wide has been the range this discussion has taken. I presume the original question we are to consider is, whether the Convention shall elect a Governor, or whether that election shall be submitted to the people. If we adjourn before the 2d of July, it will be the duty of the Lieut. Governor to order an election some time between this and the month of November.

There has been, I conceive, Mr. President, great misapprehension existing in the minds of the people in regard to the will of this Convention. We have, I think, labored faithfully to serve the people; as to the amount of good we have done, that is for the people themselves to determine. But we have been denounced as usurpers, and the cry has come up, "Down with the Convention!" "Down with Gamble!" and, "Down with everybody else!" Now, men who talk thus must think we are a bad set of men. But, sir, I do not feel disposed to act upon their suggestion at this time. I think I have from the first acted conscientiously; and if I have committed errors, they have, I trust, been those of the head rather than of the heart. I shall certainly vote against the proposition now before the House, though I prefer the substitute to the original; for, sir, I feel it will be as impossible now for the people of Missouri to elect a Governor, or any other officer, by a free and unfettered vote, as it was in October of 1861. It is true we have more armed men in the State, and are better prepared to resist invasion than we were then; but so far as a full and fair expression of the people of the State is concerned, I believe it is no better now than then. I understand that in the county of Jackson — and I take that as affording a fair criterion of that section of country — it is impossible to leave the towns of Canton or Independence, though they are held by Federal soldiers, on account of the guerrillas that infest that county. And I understand that this is the condition of things to a much greater extent in other parts of the State than gentlemen here imagine. I contend, therefore, that an election held in the month of August, September, or October, or at any time before the frost drives these guerrillas to their homes, that could be regarded as a full, fair and free expression of the people's will, would be utterly impossible. In this county an election could be held. On *this* side of the river a free expression of the views of the people can be had; but west of Jefferson City, in not one county in ten can this be said to be the case.

But, I ask, is there any necessity for holding this election? It is only one short year before we will have a Governor elected for this State in the orderly manner prescribed by the law. Elections have been held too frequently in this State; they certainly should not be held more frequently than is prescribed by the law and the Convention, if it is possible to avoid it. I cannot see why this Convention cannot fill the

office of Governor now as well as in 1861. I trust the members of this Convention have not become demoralized. Have we not the band of heroes, who stood side by side in the hour of Missouri's peril, still among us? I presume we are as well qualified to act for the honor and good of the State now as then. If we are not, I am much mistaken. If, as I said, the people *could* go to the polls and give a fair expression of their views, I would be the last man to raise my voice against their doing so. In some localities, where the people have expressed their wish to vote, I know they could do so; but in other localities, where they are just as much interested in having peace restored, a fair expression of their views would be utterly impossible. Thousands of loyal men, who long for peace and tranquillity, would be in danger of losing their lives if they dared to vote contrary to the dictates of the ruling clique of the neighborhood. I desire peace for Missouri; but I believe that the State is in danger of again being convulsed with the strife and disorders through which we have already passed; and believing this, I cannot consent to vote for a measure that would, in my judgment, aid in bringing about so lamentable a result.

Mr. SCHOFIELD. Mr. President: Having been but recently elected to a seat in this Convention, I have remained a silent but an attentive observer of passing events during the present session, up to this time. On the resolution now pending before this body, I am bound by instructions from my constituents, as well as by considerations of principle and self-respect, to offer reasons to the Convention that will control my vote, when the proper time comes for me to act on the important resolution now under consideration. Sir, objections have been raised, by gentlemen opposed to the election of Governor and other State officers by the people, various in their nature and character, some of which I propose to briefly notice.

It has been asserted by gentlemen on this floor, that any act of this Convention favoring an election of State officers by the people before the terms of office expire for which the appointees of this body had been called to fill, would be an assumption and use of arbitrary and extraordinary powers, and besides dangerous and revolutionary. My reply to this kind of argument against the resolution offered by the gentleman from St. Louis (Mr. Drake) is, that the power this Convention uses in the appointment of State officers is the extraordinary, dangerous and revolutionary power now existing, and now exerting itself in our State.

The Convention itself is extraordinary, being called to meet and provide for extraordinary emergencies; hence, all the power it has used, and all it may use hereafter, is extraordinary in an eminent degree, while its action in committing the direction of the ship of State to the people again would be but the use of ordinary power. And so it is fair to conclude that all the acts of this Convention are extraordinary; but when its power is remanded back to the people, their action in the election of their rulers is but the exercise of ordinary power, it being conferred on them by legal and constitutional authority. But another objection to the passage of this resolution is based on the assumption that the unsettled state of affairs in the country is such as to preclude the idea of holding an election, and of obtaining a fair expression of the people at the ballot-box for a Governor and other officers.

I reply to this argument by asking how it is that a fair expression of the people can be had in the election of State Senators and Representatives and Judges, while no fairness of expression can be had from them, according to the reasoning of certain gentlemen here, on the question of the election of Governor?

The mind so discriminating as to be able to perceive a difference here, must have a magnifier to aid genius, of no ordinary powers.

Sir, I conceive that the excited fears of gentlemen are induced more from apprehensions of a fair expression of the people, if an election for Governor is submitted to them, than from any honest convictions that unfairness would be the result.

It was decided last year by this Convention that the people were competent then to meet and choose, by their own vote, their representatives in the State Legislature. To ordinary minds it would seem to follow, as an unavoidable consequence, that the people are now as well qualified to elect a Governor as they were a year ago to elect legislators.

Such efforts as are being made here, are made only to cover up the real cause that induces gentlemen to oppose the election of Governor by the people.

But it is asserted that the electors of the State are in danger of being menaced by the soldiers at the polls, and thereby a fair expression of the people will be defeated. Are such declarations true? Are Union soldiers, all of whom

in this State are under the direction of Governor Gamble as Commander-in-Chief, dispersed over the State and allowed to intimidate loyal men on election days?

Such reproaches against the Governor for laxity of discipline of the soldiers under him, and a misdirection of the military power, I can only sanction when those who make the charge verify it by substantial testimony. I might here ask why soldiers are quartered in almost every locality in this State? Why were they called to arms at all? There must have been a reason, or at least a supposed one, in the mind of the Governor that justified him in calling them to arms; and that reason must still remain, or he would not continue such a vast body of men in active service at the expense of the State in its present embarrassed condition.

And have those causes that justified the calling out of the militia at the first been removed? Let the representations of the members of this body, as they have made them in the debates to-day, answer the important question.

Gentlemen opposed to the resolution have drawn arguments to justify them in opposing the ordering an election of Governor by the people, on the score that, now, as they affirm, there is more jayhawking and bushwhacking in the State than there was one or two years ago.

If these statements are reliable, (and I do not question the reports,) the facts speak volumes, and may have some influence to produce in the public mind what some gentlemen on this floor are pleased to characterize a clamor from radicals, that demands of this Convention the privilege of being allowed to elect by their own votes the officers of State.

The assumption that the class of citizens in our State, who are asking of this Convention the privilege of being allowed to elect their own Governor, are nothing but radicals, and to allow their demands would be to put in jeopardy all the great and substantial interests of the State, is simply fallacious.

The fact is, no better men, none more true to the Government, or to State and individual interests, can be found anywhere than are found in that very class of men so much opposed to this Convention, and to the arbitrary power it proposes to exercise when it acts for the people longer in the appointment of their officers. The opponents of the resolution seek to degrade the character of the party calling for an election by the people, in order the more certainly to defeat the measure.

In regard to the question whether or not the parties asking for an election are entitled, by virtue of their loyalty, to be heard, I am satisfied to refer that decision to the soldiers in the field, and to that class of men now at home who would be the first to respond to the call of the Governor if a rebel army were to invade the State. Are there more soldiers of the self-styled conservative order now in the Union army than there are of that class of men called radicals? The resolutions of soldiers in the field, that have been published to the world, answer the question. Is it right, is it just, to taunt the soldier, who is defending his country, with vulgar epithets, and praise and lionize conservatives, who never did and never will take up arms to fight rebels? I am gratified that this occasion offers a favorable opportunity to defend the Union soldiers against the attacks of those who seek to malign them.

Let those who please denounce me as radical, Black Republican, or whatever else they may desire to call me, and otherwise do their worst, yet none of these things will divert me from my duty in performing all my obligations to my country and to its honest and earnest defenders. The game of intimidating men in this country, or seeking so to do, for the purpose of forcing them into measures against their choice, has lost much of its power within the last century, and such kind of stock will scarcely reach par again in this State.

So far as I am individually concerned, I have never voted with the Republican party as such, but am now ready to vote with and for all such as are opposed to the rebellion, and in favor of the Union, whatever may have been their political complexion heretofore. At the last Presidential election I voted for Stephen A. Douglas; but when I found that Mr. Lincoln was elected as the Chief Magistrate of the nation, I quietly submitted to the decision of a majority of the people, as on all former occasions.

Mr. President, the fact cannot be disguised, that the masses of the Union men in this State do ask that this Convention grant them the privilege of electing their State officers. And will a request so reasonable be denied?

What I ask is more natural than for a people accustomed to all the enjoyments of civil and religious liberty, to ask, after having been debarred from electing their own rulers for two or more years, to be enfranchised again

with that right? If such aspirations were not to manifest themselves after freemen had been bound for years, the absence of such demonstrations would create a greater marvel in my mind than the living, active element. Liberty is a part of the very nature of freemen, and the privilege of enjoying it is as indispensable to the happiness of an American citizen as the air we breathe is necessary to perpetual vitality.

Sir, I understand by the message of the Governor of this Convention that he resigns, and that his resignation takes effect at the adjournment of this body, which I trust will be at an early period.

Without any action of this Convention, the Lieutenant Governor, as I understand the question, becomes the Governor of the State until the vacancy is filled, agreeably with provisions of law. I hold General Hall, the Lieutenant Governor, a gentleman of ability, capacity and fidelity, capable in all respects to discharge the high functions of Governor as satisfactory to the people of the State as those obligations have been performed by Governor Gamble; and yet with all such feelings of respect and appreciation of ability, I shall support the resolution calling for an election by the people, for the reason, first, that my constituents have instructed me so to vote; and besides, I cannot entertain the opinion for a moment, that the power to elect Governors was ever delegated by the people to this Convention.

I was not elected and sent here by the people of the Twelfth Senatorial District to elect for them officers of State; but, on the contrary, they instructed me to use my best effort to prevent an election by this body, and I intend to obey the order to the letter, and keep the faith entire.

Gentlemen have reasoned against the ordering of an election by the people, from premises that can only be valid, after those who have drawn arguments from them to defeat the resolution have shown that the passage of the resolution prohibits the election, by the people, of Mr. Gamble and Mr. Hall both. Cannot either or both of those gentlemen, if they please, enter the race for Governor? Why, then, do gentlemen reason that the passage of the resolution precludes the idea of the possi bility of either of those gentlemen being Governor, after the ordering of an election by the people shall have been affirmed by this body? Such indications cast their shadows before, and point unmistakably to the mainspring of action.

Gentlemen who choose, may treat with scorn and contempt the voice of the people, when it asks to have restored back to them by this Convention the powers it derived from them; but for one, I shall heed that voice, and, so far as my action goes, bow to the mandate.

We are told, sir, that the public meetings from which originates the resolution before the Convention are all inferior and unimportant as regards numbers and the representation of property, and therefore may be passed by without consideration by us.

While it may or may not be true that the public meetings in question were inferior, one fact is established—that more of the people are in favor of an election than against it, for, up to the present time, not the first petition, not the first resolution, coming from a public meeting, has been presented here opposing an election by the people. The truth is, the opposition to the measure is confined mainly to the circle of this Convention, so far as the loyal people of the State are concerned. If the class of people who passed the resolutions that are flowing in from all quarters do not represent the majority of the true loyalists in this State, let those who make that claim give some proof more authoritative and tangible than the bare *ipse dixit* of individuals, many of whom are badly falsified, or they may be classified with the office hunters and unscrupulous demagogues.

In conclusion, sir, I would remark that, in my belief, the public good and safety, as well as the quiet of the State, may each and all be served by conceding to the people the right and privilege of electing for themselves a Governor. And being impressed as I am on that subject, I shall vote in favor of the resolution of the honorable gentleman from St. Louis.

Mr. Foster. Mr. President, I will ask, for information of the House, that the original resolution of the gentleman from St. Louis, and the substitute, be read. It is true that I drew the substitute up in haste, and, it is possible, on a loose rail.

I desire to say that I am not disposed to enter into the wide scope through which this proposition has been argued. I am willing to keep to the proposition. Now, sir, undoubtedly the first thing to be inquired into is the condition of the country. I cannot possibly see how the emancipation of slaves cuts into the question now before this body. Admitting, sir, for a moment, that slaves are to be emancipated immediately in Missouri, is that to prevent the

people of Missouri from having an election? Admitting that they are never to be emancipated at all, will that prevent the people of Missouri having an election? When the question is simply whether or not to hold an election for certain officers, I should like to know what has the emancipation of slaves to do with it?

I desire to remark, Mr. President, that no threat that may be made, with a view to deter me from the discharge of my duty, will have any effect upon me, no matter from whatever source it may come. I remember when, in a day gone by, I was among the first unconditional Union men that North Missouri knew anything about, it was thrust upon me and my friends that I was an abolitionist; I was denounced as a thieving abolitionist because it was said I would not vote for an ordinance of secession. I believed it to be my duty, as an American citizen, to ask the people of the Seventh Senatorial District to elevate me to the position of delegate to the Convention; and I declared my views in the most unmistakable terms. For doing so, I was denominated by some a thieving abolitionist; but I heeded not their slanderous attacks. So, to-day, when I am taunted with voting with the radicals, I am equally indifferent; I care not for such charges. I have a duty to discharge, sir, towards the people of the Seventh Senatorial District,—I mean the loyal people, and not anybody else. I was not sent here by a disloyal vote; I have never represented a disloyal person in this body, and I never intend to, so help me God!

It is argued that we should not enter into an election this fall. The condition of the country will not admit of it, says one gentleman, (Mr. Hall of R.) He does not think that an election can be held with safety.

Allow me to undertake to account, in a reasonable way, for the small vote in the last election—for the great difference between it and the general election in 1860. In November, 1860, we had a general election, something like an election; everybody could go up and vote his sentiments. Soon after that election took place, rebellion was inaugurated in our State; and what was the result, sir? In the election of November, 1860, one hundred and seventy thousand votes were cast in the State of Missouri; but how was it last November? What had become of the people? From the unfortunate condition of the country, a great many had left the State, some to parts unknown, others had migrated South—moved their goods and chattels, and were no longer citizens of this State. Hundreds, thousands and tens of thousands of these very same men have gone into the rebel army. Hundreds and thousands of the voters of 1860, who went into the Federal army, now rest beneath the clods of the valley. Many, however, are still spared, and are marching on in defence of their flag and their country. There is a class of individuals in Missouri who will not vote because of the oath prescribed; they declare they will not take that detestable and damnable oath prescribed by the Convention. All these causes combined to decrease our votes at the last November election. Can any gentleman account for it in any other way? I defy successful contradiction. I repeat, sir, that of the one hundred and seventy thousand votes cast at the fall election of 1860, thousands have gone to the Confederate States, and are in actual rebellion—in arms against the Government of the Union—hence they are not here. Many thousands, too, sir, of another element, are in arms in defence of their Government; many have passed from the stage of action; and many of the present citizens of Missouri will not take the required oath. Thus we can readily account for the manner in which our popular vote has decreased.

My friend from Lewis (Mr. Sayre) says there can be no election held in his portion of the State. I am very sorry to hear it; but I know that it has not long been in the deranged state we are told it is now in. I do not see why the people could not go up to the polls there and vote. I think that wherever the civil laws of Government can be carried out by holding courts—wherever the ordinary business of the courts can be conducted, every man can go up to the polls and vote for the man of his choice. You may talk to me as much as you please about Government bayonets. Doubtless, it is the case in some localities that some men, conscious of wrong-doing, have been deterred from going to the polls or voting, because if they did, though they might vote for what, from the bottom of their hearts, they endorsed, they might be arrested by individuals who were the supporters of Government bayonets. I say this may have been the case in some localities, (and for aught I know Government bayonets may have been used for wrong purposes,) but I do not know, of my own knowledge, that Government bayonets have, in any place, been brought to bear to keep any one from voting. It may have been the case, Mr. President, that certain orders, issued by some military officers, have tended to deter a certain class from going

to the polls; but does that argue that we shall not have an election by the people?

Now, sir, in regard to the past actions of this Convention, I have only this to say. During the first three sessions of this body, I was regarded as a tolerably fair Union man, at least. Whether I am called a very good or a very bad one to-day I am not very particular, because I am one of those good humored men who do not care what their enemies may say against them. But, sir, when I have met in session with this body, my actions have been such as to reflect the will of the people who sent me here, and I believe in my soul that they endorse the course I have taken; and, sir, believing as I do that, whether I succeed or not in the position I have taken, I have endeavored to reflect the will of the loyal people of the Seventh Senatorial District, and I shall leave them to be the judges of my endeavor to take the responsibility of acting for them in a capacity in which it is not convenient for them to act themselves.

As on former occasions, I believe to-day, sir, that the loyal people of the Seventh Senatorial District demand that they shall have an election for the State officers appointed by this Convention. In my district, sir, so far as I know, there has been but one public meeting held, and it is a matter of indifference to me whether one was held or not, for we represent a generous people; and if when we come here we endeavor to reflect their will, they will justify us; but if not, they will condemn us. Therefore I but speak the views of my people, in common with those of other gentlemen representing an equally generous people, when I ask that they have an election for Governor, Lieutenant Governor, Secretary of State, Registrar of Lands, and Attorney General; and I shall endeavor to vindicate and carry out their desires.

Now, sir, the reason that I prefer the proposition offered as a substitute is not because I introduced it, but because it strikes at a principle, which is this, and which was so ably presented by the gentleman from Howard (Mr. Prewitt, I believe) — that it is right, if we undertake to elect a Governor, Lieutenant Governor, and Secretary of State, that with equal force of argument it is right that we should also elect a Registrar of Lands and an Attorney General; and why? In the first place, the Governor, Lieutenant Governor, and Secretary of State, are the appointees of this Convention, and the Governor appoints the two other officers.

The inquiry may arise, why do you not propose to go through and elect a Treasurer and an Auditor of Public Accounts? The present incumbent, Mr. Moseley, was elected by the people; he has taken every oath, as required by this Convention, and I can see no reason at all for his removal. Then why do we not propose to elect a Treasurer? The late Treasurer took the required oath; but, sir, in the course of human events, he concluded to resign; he tendered his resignation, and the office became vacant in consequence. I am not disposed, therefore, to interfere with that, because the office did not become vacant by reason of any act of this body. I only propose, sir, if we enter into an election at all, that we shall pursue the even tenor of our way, and supply the places, if you please, of all those officers that hold position by act of this Convention. My people say this, Mr. President: "We expect you to adjourn *sine die*; but we did not desire you to adjourn until you had a legislative body." The people have now a legislative body, and we are expected to adjourn; but with that adjournment we are expected to inaugurate such a system as will permit the people to re-establish government upon the old foundation, and launch the ship of State afresh. That is what my people insist upon; and I believe, sir, that nineteen-twentieths of the people that are true and loyal demand an election.

In regard to the election of Governor, or in the election of a constable, or any other officer, I do not want a man who has been in arms against my Government to come up and be equal with my vote at the polls. In the exercise of the elective franchise, sir, I never want to be reduced to an equality with the man who has been guilty of the high crime of treason; I am just as much opposed to that as I am to being degraded to an equality with the negro. I do not want the vote of such a man put into the ballot-box with mine.

But I must insist upon the restoration of their privileges to the people at the earliest practicable moment, and that is, I think, on the Tuesday after the first Monday in November. I would just as soon have one time as another; I would say the first Monday in August if I believed the ballot-box would be free to every loyal man — and I do not think it should be free to any one else; but, judging the future by the past, and as bushwhacking is inaugurated again, I prefer November, because by that time the forest will have shed its foliage, bushwhackers will disappear, and loyal men

can go up to the polls and vote for the man of their choice.

Mr. DRAKE. There are two or three points upon which I wish to make a few remarks, but if gentlemen will give way I will move an adjournment.

Mr. HALL of R. The Committee on Emancipation has been unable up to this time to report, in consequence of the absence of Gov. Gamble; I think it likely, however, that the committee will be prepared to-morrow to bring the matter before the Convention. I would suggest, therefore, that we now adjourn till Tuesday, at 10 o'clock A. M. Carried.

EIGHTH DAY.

JEFFERSON CITY,
Tuesday, June 23, 1863.

Convention met at 10 o'clock. President in the chair. Prayer by the Chaplain. Journal of yesterday read and approved.

THE EMANCIPATION REPORTS.

Gov. GAMBLE introduced the following

Majority Report.

As Chairman of the Committee on Emancipation, I am instructed by a majority of the committee to report the ordinance now presented. A minority of the committee do not concur in the report, and who feel themselves at liberty to support amendments to the ordinance reported, although they do not concur in a minority report. One member of the committee will make a minority report.

H. R. GAMBLE,
June 23, 1863. *Chairman.*

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION AND FOR EMANCIPATION OF SLAVES.

Be it ordained by the People of the State of Missouri in Convention assembled:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

Sec. 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth day of July, eighteen hundred and seventy-six; and all slaves within the State on that day are hereby declared to be free.

Sec. 3. That all slaves hereafter brought into this State, and not now belonging to citizens of this State, shall thereupon be free.

Sec. 4. All slaves removed by consent of their owners to any seceded State after the passage by such State of an act or ordinance of secession, and hereafter brought into this State by their owners, shall thereupon be free.

Sec. 5. The General Assembly shall have no power to pass laws to emancipate slaves without the consent of their owners.

Mr. BUSH then presented the following

Minority Report.

Mr. PRESIDENT.: The undersigned feels it to be due to this honorable body, to himself, and, above all, to the true emancipationists whom he desires to represent, that he should explain the reasons which have made it impossible for him to agree with the Majority Report of the Committee.

He has earnestly desired to unite with *all emancipationists*, to yield his preferences, to sacrifice his favorite plans and ideas, and to submit, to a great extent, to the views of other members of the committee, in what they would regard as a better policy; but it is most difficult to compromise *principles*. And it is on principles, also, that the majority of the committee unfortunately differ with him.

The undersigned will state only the principal points of difference:

1. The position of our national affairs, the preservation of the Union, the pros-

perity of this State, its future peace and security, and the interest of the slave-owner, as well as humanity to the slaves, imperatively demand *speedy* emancipation, followed by apprenticeship for a limited period. It is this system which alone could temporarily secure to the present slave-owner that labor, to secure which all laws against fugitives from labor are now inefficient, and which, at the same time, would gradually prepare the slave for full freedom. But as this point may be regarded by some as one of policy, and not of principle, this point might be yielded, provided the time adopted for the continuance of slavery were short, and the conditions attached thereto not in conflict with the principles of humanity.

2. The committee, however, have agreed not only on a time which the undersigned considers far too remote, but they have also refused to attach to this long extension of the present system, the humane principle of prohibiting the sale of slaves and their children out of this State; thus continuing to consider slaves as herds of animals, rather than as human beings.

To this the undersigned, for one, could not subscribe.

3. The ordinance reported by the committee does not provide for submitting it first to the vote of the people. This is another essential point of difference. Unlimited as the powers of this Convention are, an Ordinance of Emancipation passed by this Convention would have no vitality, or, at least, no sufficient guaranty for the future, without a ratification by the people; especially, in view of the fact, that the majority of this Convention did, on the 14th day of June, 1862, adopt the resolution declaring that they have not felt authorized to take action with respect to the grave and delicate questions of private right and public policy, presented by the joint resolution of Congress, respecting the gradual abolishment of slavery.

Having thus briefly stated the reasons from which he has been unable to agree to the report presented by the committee, the undersigned desires to present, for the consideration of the Convention, an ordinance which, while it entrusts to future legislation the passing of such laws as the change of system will require, is to go into effect immediately after the people have given it full force by their vote, and which he believes would receive the sanction of a great majority of the loyal people of Missouri, would cement the Union, and would result in great and material advantages to our State.

ISIDOR BUSH.

June 23, 1863.

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION AND FOR THE EMANCIPATION OF SLAVES.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

Sec. 2. From and after the first day of January, eighteen hundred and sixty-four, slavery and involuntary servitude, except for crime, or as *hereinafter provided*, are abolished, and all persons who on that day may be held in bondage in this State, as slaves for life, are hereby declared forever free: *Provided, however*, that they and their issue thereafter born shall thereupon be and become indentured apprentices to their former owners, their assigns or representatives, and as such held to service and labor from that date until the fourth day of July, eighteen hundred and seventy, and no longer.

Sec. 3. It shall be the duty of the Legislature to pass laws, regulating the relations between said apprentices and their masters and mistresses respectively; to secure the services of said apprentices to their respective masters, and humane treatment to the apprentices; to provide, as far as necessary, for the education, apprenticing and support of those who shall become free under the operations of this ordinance, and against the importation of any negro or mulatto.

Sec. 4. No future assessment of slave property shall be made in this State, and taxes now assessed against said property

shall not be collected, nor shall the right to the services of apprentices under this ordinance be subject to taxation.

Sec. 5. That at the election to be held on the first Monday of August, eighteen hundred and sixty-three, the several clerks of the county courts, or, in case said clerks shall fail to do so, then the clerks of the election, shall, in preparing the poll-books for the election, enter thereon two columns, one headed "For emancipation" and the other "Against emancipation;" said election to be held by ballot and to conform in all respects with the laws now in force regulating elections. And if a majority of the legal votes or ballots given be "For emancipation," then this ordinance shall take effect and be in full force; and if a majority of the legal votes or ballots given be "Against emancipation," then this ordinance shall be null, void and of no effect. And when the result of said election shall be ascertained, the Governor of the State shall, by proclamation, announce the same.

Gov. Gamble moved that the majority and minority reports be laid upon the table, and made the special order for 9 o'clock Wednesday morning. Carried.

The President. The special order will now be taken up—Mr. Drake's resolution, and the substitute offered by the gentleman from Adair.

The resolution and substitute were then read.

Mr. Smith of Linn. I desire to offer an amendment to the substitute, as follows: strike out Lieutenant Governor, Secretary of State, Attorney General, and Registrar of Lands.

I desire briefly to offer a few remarks respecting the amendment, and to notice briefly some of the arguments introduced by gentlemen yesterday.

When I came to this Convention, it was with a determination to oppose all propositions having in view any change in this Provisional Government. I have seen no reasons why this Convention should undertake at this time to depose any member of the Provisional Government elected by this body twelve months ago; but the resignation of the Governor has made it necessary that some action should be taken. I prefer, however, that this Convention should not legislate, even after the resignation of Gov. Gamble. I prefer that things should be permitted to remain under the law, as they would have remained and proceeded if this Convention had not convened; but I discover, by the action of some of the members of this Convention, especially of the gentleman from Clinton, who offered a proposition the other day that we should proceed to elect a Governor to fill the vacancy caused by the resignation of Gov. Gamble; and on yesterday a proposition was introduced by the gentleman from Adair, not only to fill that vacancy, but proposing to make other vacancies, and to fill those vacancies by the people.

Of the two propositions, I prefer the latter. If the vacancy occasioned by the resignation of the Governor is to be filled at all, I prefer that it shall be filled by an election of the people. I shall oppose any attempt on the part of this body to fill any vacancy now existing, or which may hereafter exist, that can be filled by the people.

I regret, Mr. President, very much to witness the course and range of the debate of yesterday in regard to the proposition before this House. The question of emancipation and other questions were, in my opinion, unnecessarily dragged into the discussion; and I regretted very much the spirit in which the debate was conducted. For my part, I can discover no cause for agitation in regard to this question. I see no reason why excitement should prevail, and harsh words be used in discussion. I regretted to notice the absence of that courtesy and kindness heretofore extended by members towards each other, and which have characterized the proceedings of this Convention heretofore, and during this session until yesterday. It occurs to me that if there ever was a time when the members of this Convention should act dispassionately and kindly towards each other, now is the time. When storm and faction rage without; when we have heard so much said in reference to the determination of the people, and the passions and prejudice existing amongst them, it appears to me that this is not the time, nor is this the place, to foster and encourage such a spirit. It is in the spirit of kindness and concession that we should act; endeavoring, if possible, to come to some conclusion in reference to this great question for which we have been convened. Let us act in such a manner as will not only satisfy ourselves, but that our constituents may acquiesce in, and sustain the action of the Convention; let us use every effort to quiet and still the anger and passions of the

people, instead of encouraging them, and then not only shall we have nothing to fear from them, but much good, in my judgment, might be accomplished.

But, sir, what are the principal reasons urged in favor of the original proposition and the substitute, in reference to the election proposed? It is urged by the gentleman from St. Louis, (Mr. Drake,) that inasmuch as the Governor has resigned, and inasmuch as the Lieut. Governor and Secretary of State were appointed by this Convention, and inasmuch as it is believed that this Convention will adjourn without date, that it should leave none of its appointees in office when it surrenders to the people again the power conferred upon it by them. I confess I cannot fully appreciate this argument. I have believed from the beginning that this was a constitutional Convention; that this body had power to depose Gov. Jackson and the Legislature, and that it had full power to fill the vacancies occurring in consequence of the action of this body; that those officers held their position as legitimately, and with all the rights and privileges appertaining thereto, as any other officers under this government; and I cannot see any good reason, at least none satisfactory to my mind, why we should depose the Lieut. Governor and Secretary of State. I have heard no charges preferred against those gentlemen, nor of any dereliction of duty on their part, and consequently I cannot consent now to undo what was done in this body a year ago with so much harmony and unanimity, and thereby commit an act which some will naturally suppose superinduced in consequence of prejudice against these gentlemen, or on account of dereliction of duty. Hence I have offered this amendment. I propose to strike out the names of all contained in the substitute except that of Governor. I am willing to refer this matter to the people; and that they shall, as speedily as is convenient, elect a Governor. I am in favor of that proposition because I believe the election of a Governor rightly belongs to the people; and I believe they are capable to-day of electing a Governor, and that an election can be held to-day that will reflect the will of the great mass of the loyal voters of the State of Missouri.

But one of the objections against referring this matter to the people is that our country is yet filled with the soldiery; that the bayonets are here, and that until these are removed, a full and free vote cannot be had; and that the people should not be permitted to vote on any question involving such rights and such interests as the election of Governor, until the bayonets are removed from the State. I was much surprised to hear such arguments yesterday from gentlemen who, twelve months ago, on this floor, declared they believed that the patriotism of the State of Missouri was in the soldiery, in the army, and that the soldier should be entrusted with the high privilege of voting, not only in his camp in Missouri, but wherever he might be on the day of election. This proposition, Mr. President, I was unfortunate enough to oppose at that time; but I find, upon looking over the journal, that a gentleman who was in favor of that same proposition, now urges the postponement of this election because the soldiers are here. To my mind, if it is safe to trust the soldier with the bayonet to defend our lives and our property, I think it is entirely safe to trust him to vote. Is it to be supposed, sir, that because a man has a gun in his hand—because he is entrusted with the high privilege of defending us against the enemies of the State, he is not to be permitted to vote for a Governor?

Great complaints, I am aware, were made of the actions of the soldiers at the election last fall; but, so far as I have any information or knowledge upon that subject, and so far as their action in my district is concerned, there was no cause of complaint. In my county I was at the polls on the day of election, and I never, in my life, witnessed a more quiet and peaceable election. I have been in the State of Missouri eighteen years, and never was present at as quiet an election as was held in my county on that day. It is not to be expected that a general election for officers of State can be held anywhere without creating some excitement, or producing some manifestation of feeling. I will not deny that some soldiers acted badly at particular places; but, as a general thing, in my judgment, the election was free, and it was fair; and I know no reason why we cannot expect a full and fair election next fall.

It was urged by others that if an election is ordered this fall, while the soldiers are here, with bayonets in their hands, and while they are under the influence of Radicals, it would injure the whole election. All I have to say in regard to this matter is, that, according to my judgment, radicalism is on the increase in the State of Missouri; and if you desire to check it, the sooner you hold an election the

better. In my opinion, there never will be less Radicals than now, until the soldier, as well as every other person, is free to vote for the man of his choice for ruler.

If Gov. Gamble had not resigned, sir, I would have resisted every attempt to refer this matter to the people, believing that they would acquiesce in the action of this Convention, as they have hitherto done; for in public meetings they have passed resolutions approving and heartily endorsing the proceedings of the Convention last year.

At no place in my district have the people demanded an election of Governor, Lieut. Governor, Secretary of State, or any other officer; they acquiesced in the appointments of the Convention, and I believe they would be opposed to interfering with the incumbents of offices against whom there is no charge; but, if you refer the matter to them, I think they will discharge their duty in regard to it faithfully and honestly.

I have no fear of a Radical, or any other kind of man being elected, who will be dangerous to the interests of Missouri. If the Radicals are in the ascendancy, they ought to have a man according to their choice at the head of affairs, and I, for one, am ready to yield to the Radicals if they have a majority; if they have not, they will be beaten. By some gentlemen I am classed as a Radical, by others I am placed among the rebel sympathizers; but I claim to be a truly loyal man to my Government, and I think my action in this Convention and elsewhere shows it.

It occurs to me that all we should attempt to do now is to elect a Governor to fill the vacancy caused by the resignation of Gov. Gamble. If we do that, I feel sure that we shall fully discharge our duty in this matter, and we can then proceed to the other business for which we were summoned here. Another reason why I prefer the election of Governor this fall is this: I take it for granted that an ordinance of emancipation will be adopted by this Convention; and whatever is adopted, I take it for granted will be referred to the people, and I prefer that an election of Governor shall take place at the same time. And, gentlemen, I am willing that a Governor should be elected who agrees with this Convention upon the emancipation question. If we have anything like a unanimous vote upon the question, and refer it to the people, I have no fears of the result.

The PRESIDENT. The question is upon the amendment offered by the gentleman from Linn.

Mr. SAYRE. The gentleman from Adair (Mr. Foster) took occasion to misrepresent me twice during his remarks yesterday — once in reference to a point of fact, and another time in reference to a point of law. The gentleman says he practices law in my county. He may remember on one occasion he was endeavoring to obtain indictments against some persons who had taken some prisoners out of the hands of the sheriff and were protected in so doing. I hope he will be able to remember whether he succeeded in indicting them or not. During the time he was there a body of soldiers gained possession of the town. The judge at whose court and in whose district the indictment was sought for, and who had held court at other places where soldiers had been, told them that they must leave the town, or he would. He did not believe the soldiers were necessary; but it seems there were some persons there at that time who entertained a different feeling, and had some apprehensions that the soldiers were needed. So the soldiers were kept there, without provisions, without a commissariat, without quartermaster's stores, and were quartered upon the people without authority of law. A short time before a large portion of our people, all loyal men, had attempted to sell some of their slaves, or were taking them to Howard county for safety. These soldiers had in several cases taken the negroes from their owners, and had arrested the men who were taking them away, holding them in custody, and making poor white women do the cooking for the soldiers, and all without the authority of law. These things took place while the gentleman from Adair was there; but he has forgotten all about it. These people, tyrannized over as they have been by the soldiers, will, in my opinion, have but little disposition to go to the polls to vote, when the expression of their wishes may be opposed to the views of the military. How, I ask, did it happen that these soldiers were in our county, unlodged and uncared for, and without orders? And here I will remark that there has been a policy pursued — though, I am happy to say, it is changed now — to enroll only those who will carry into effect a certain policy; others may enroll themselves, but, on asking for arms, they are refused; and arms are only given to those who will carry out the ideas of a particular party.

Now as to the point of law. It has aroused

considerable feeling, and given rise to expressions of surprise, that I should say there was property in offices. It is some time since I read anything in reference to the subject; but I cannot recall a single authority that treated of the principles of property wherein offices were not set down as one of them. Do we not invariably speak of offices in the same terms that we apply to other kinds of property? Do we not speak of the *tenure* by which offices are held — that they are granted for a longer or shorter period, and some by special contract? Does not all this indicate that offices are property? The idea that there is property in office does not seem preposterous to me. The man who gets a thousand dollars a year by his office does not think so, anyhow. These are my views, and I put them before the Convention, quite willing for the world to decide between us.

Mr. FOSTER. The gentleman from Lewis——

Mr. PHILLIPS. Mr. President, I insist upon the observance of the rule with respect to limiting debate.

Mr. GANTT. I should like to know what that rule is.

Mr. BROADHEAD. The rule limiting debate applies to each distinct proposition; and as every amendment contains a distinct proposition, I can see no reason why the gentleman is not in order.

Mr. FOSTER. There is an amendment upon which I have not spoken at all; but the truth is, sir, I do not intend to speak to the amendment in argument; I do not intend anything but a rejoinder to the gentleman from Lewis.

The PRESIDENT. If the gentleman desires, he can speak to the amendment.

Mr. FOSTER. I do not intend to enter upon a discussion of this amendment; but as the gentleman from Lewis has rather brought in question my veracity—

Mr. SAYRE. The gentleman contradicted me, and I gave him the facts.

Mr. FOSTER. I desire to make a statement, and for what I say I am responsible, in regard to my duties as a circuit attorney in the Fourth Judicial Circuit. The grand jury of Lewis county may have had under consideration the case of certain individuals for resisting the sheriff of that county; or they may have had under consideration the question whether it was necessary to have preferred an indictment against citizens of Lewis county for robbing peaceable and law-abiding citizens; if so, that is a matter on which I have nothing to say. But I will make a statement, in which the loyal people of Lewis county will bear me out, and that is, that when I arrived at Monticello, the county seat, on the first Monday in April, about 10 o'clock in the forenoon, there were some of the enrolled militia there, the number I did not then know, nor do I now; I saw twenty or thirty, and I saw one captain and one first lieutenant. On Tuesday or Wednesday they left for the town of Legree, and some time during the second week the captain and lieutenant returned to Monticello in a hack and remained there a day or two. I particularly remember that Mr. Sayre told me, while I was there, that the enrolled militia had committed outrages, by making sick white women cook for negroes and enrolled militia; but I have no remembrance of any gentleman whom I regard as a loyal citizen of the United States ever uttering anything of the kind to me. Though I regard no man in Northern Missouri as a more perfect gentleman than Mr. Sayre, yet he knows, and I cannot help it if I were to perish for it, I have never looked upon him as a truly loyal man.

It may have been the case that the enrolled militia of Lewis county had done wrong; but I know nothing of it. We held a term of the Circuit Court there for two weeks, uninterrupted, and I have heard of no disturbance in that county since, and I know of no good reason why a peaceable election could not be had in that county.

In justification of the gentleman, and because it is due to him, I would say that, as a citizen, a gentleman and a neighbor, he stands high in that community; but loyal men do not regard him as truly loyal. There is no man in the county towards whom I entertain more kindly feelings than I do towards Mr. Sayre; but yet, if I think what he advocates is wrong, I deal with him candidly, as I would with other gentlemen. If I think a gentleman advocates a cause or doctrine that will not promote the welfare of my Government, I tell him so; and I tell him, therefore, to-day, that I look with distrust upon any individual who is eternally casting epithets upon those brave men who are engaged in the preservation of the flag of our country, and yet keeps his lips sealed about those desperadoes who go through the country thieving, murdering, and committing all sorts of depredations. He may make ever so broad a statement of loyalty when I get through, but I believe as much as I please, and no more.

Mr. SAYRE. I would like to say one word as to my using epithets against the United States soldiers. The gentleman has made a statement which I regard as untrue. He has never heard me, neither can he tell of any one who has ever heard me, make use of any epithets. As to my loyalty, I am willing to compare records with him; I serve my country as well as he. Gen. McNeil, Major Rogers, Major P——, and Captain Firth, trusted me, and will bear testimony to my loyalty; yet this gentleman comes here and says he thinks me disloyal; but, with a smooth tongue, he adds that he thinks me an honorable gentleman—in return for which, I must say that I do not know which most to admire, the grace of his person, his mellifluous voice, or the kindness of his heart. [Laughter.]

Mr. DRAKE. I think, sir, that in some way or other we should endeavor to bring back the minds of the members of the Convention from the long and tangled maze which the discussion has assumed to the matters that are really before it.

It is due to myself and to others on this floor that I should take some notice of the strain of remark which the gentleman from Randolph chose to indulge in yesterday; and I shall not notice it in the way that my friend and colleague, Judge Breckinridge, did. I shall never undertake to vindicate my honesty nor my conservatism; but I would just inquire of the gentleman from Randolph, who has been in this Convention from its first week through all its sessions to the present time, what he would think if I were to rise from my place and say that no man who is against emancipation is an honest man? or that no man who is in favor of emancipation in the year 1900, or in the year 1876, is an honest man? Perhaps the gentleman would find what it is to have an imputation of dishonesty flung into his teeth in that way. I say no such thing, however. If I were to go a little further and say that the man who comes here into this Convention to preserve and protect the institution of slavery in Missouri, in defiance of the interests of Missouri, of the people of the United States, and of the Union cause, is a dishonest man, the gentleman might perhaps find something to disturb his serenity. I say no such thing. If I were to go a little further and say that a man coming here to this session of the Convention, who acted in direct defiance of the known will of the majority of his constituents upon this emancipation question, neither could be nor is an honest man, perhaps, sir, there are gentlemen here who would take offence at it. I say no such thing.

I do not mean to defend my honesty of character here or elsewhere. If my life does not defend it, then I have no character for honesty that is worth words in its defence.

The gentleman from Randolph is a conservative, and I, and others who act with me here, are radicals; and there is an attempt made to fill this Convention with a great fear of radicals. The gentleman is a radical, and I am a conservative; he is a conservative, and I am a radical. We are all conservatives, and all radicals; but we are conservative of different things, and we are radicals to different things; so that all of us, though ranged under the very same titles, we are ranged on different sides. I am conservative, first, of the Union, which slavery assails this day; he is conservative of the slavery that assails it—a world-wide difference, sir—a difference as between light and darkness. I, sir, am conservative of the great interests of the people of Missouri to-day, and in all future time; he is conservative of the slavery that wars against their interests in the present and in the future. I am a radical in the proper sense and meaning of the term, to cut up by the roots, till the last fibre of it shall be removed. That which assails our country and all its people in Missouri and elsewhere, he, sir, is for keeping that thing standing, with not a root touched, from now till the year 1900—which is equivalent to saying from now to eternity. And this is the difference between the gentleman and myself in our radicalism and our conservatism. You will bear me witness, gentlemen of the Convention, that in the remarks I offered to this body in support of my resolution on the election, I did not bring in this subject of emancipation at all. The gentleman from Randolph takes a different course. Does he suppose we do not know what is meant by lugging in that slavery question? It is the crack of the pro-slavery whip. The question is whether the people shall be allowed to elect certain officers; but that was not allowed to remain the question before the Convention. The pro-slavery element in this Convention was to be arrayed here upon this question to defeat it and the principle, the Republican principles which underlie the resolutions which I offered, to wit: the great principle that the people shall elect their own rulers. And now I wish it understood, now that we are on the eve of engaging in the dis-

cussion of emancipation, I wish it to be understood by the gentleman from Randolph, and by every other member of this Convention who is a pro-slavery man, that I do not intend to permit my *opposition* here to be changed into that of *defence*. This Convention was not called to defend slavery. It was called together to attack, to kill, and bury it. That is what the Governor called us together for; and I intend, so far as my action is concerned on the subject of slavery, that it shall be from the first to the last, without one moment's cessation, an action of attack upon that institution which the gentleman here is pre-eminently the defender of, and nothing that he or any other can say or do shall change my attitude in that particular for one instant. I defend nothing but my country and my flag; he shall defend slavery to the very last hour. If there is to be an attack here, it is slavery we are invited to attack; the gentleman comes to defend it; he may even praise it, but the majority of this Convention will bury it.

With all respect to the Convention, I beg leave to say that the course which I consider it my duty to take, I shall follow from first to last, without any imputations of the motives or character of any gentleman here, and without giving any gentleman any occasion to impugn my motives or my character.

Thus much for the remarks of the gentleman from Randolph. In bringing back the mind of the Convention to the real matter involved in the question before it, and endeavoring to enable them to draw the line of discrimination anew, I beg leave, before the vote is taken, to call their attention to the framework of the different propositions before them. First, the resolution which I offered, which calls for an election of Governor, Lieutenant Governor and Secretary of State. I offered it in that way, gentlemen, simply because those officers do not derive their authority from the Governor under an appointment to fill vacancies according to our Constitution, nor do they derive it from the people, but simply from this Convention. Now, I beg leave to reiterate the declaration made by so many gentlemen—as they regard this Convention as perfectly legal and constitutional, so do I. Not one word from me has ever been uttered questioning that. I regard their action in deposing the former Government and providing another, as eminently wise, judicious, and proper in every way; and I hold that the Governor, Lieutenant Governor and Secretary of State are as much and as legally Governor, Lieutenant Governor and Secretary of State as if they had been elected in 1860, and held office to this time.

But I object to giving a personal turn to this question. I said that my views on this subject had no relation to our excellent Lieutenant Governor. I endeavored to plant myself upon a principle, and I asked the Convention, in the first instance, to notice that I did so. This Convention came here as the agents of the people, to act in a given emergency; they come as the representatives of the whole authority of the people; and I can perceive no reason in the world why an exception should be made to the universal principle of law, that agents can appoint no sub-agents who can hold office one hour after their own agency ceases. You may do it, gentlemen; I believe it is constitutional, I believe it is lawful for you to do it. I do not appeal to you because I claim that it is unlawful or unconstitutional; but I say this: when you give back to the people the powers they have given you, why do you not surrender the offices to them? Why withhold the offices, and give them back the barren sceptre of their power? That is the principle upon which I place it. You ought not to hold this power through others after your existence has ceased, and you have given back all else to the people.

Now, gentlemen of the Convention, I ask each one of you simply this question: If there were nothing else mixed up in this matter; if there were no question of emancipation before us; if there were no division of sentiment here—pro-slavery and anti-slavery—are there ten men in this Convention who would say that my principle of action is not the right one? I would ask each one of you, as an upright and thinking individual, which I believe every member of this Convention to be, would you vote against the proposition referring this matter back to the people if there were no slavery question before you? My impression—only an impression—is, that not ten members of this Convention would vote against it. I cannot command your respect, nor that of any individual, if I do not act upon *principle*. I do act upon principle, and I will not swerve from principle in my action. If the majority of the Convention, however, view the principle in a different light to what I do, it is their privilege to decide, and I must bow to their will.

It was for the very same reason, sir, that I left out the officers that the gentleman from Adair mentioned in his substitute, that we would return back to the people simply those

offices that we had filled; and therefore I am not able to discriminate between those officers and say, with the gentleman from Linn, that we would elect a Governor, but not a Lieutenant Governor or Secretary of State. I think the principle covers all; and I beg leave to say to the gentleman from Linn, that by his propósition he gives this matter a turn which perhaps did not occur to him—it is rendered personal in its bearing upon the Lieutenant Governor and Secretary of State. He says we will let the vacant offices, but not those that are filled, go before the people, because that would necessitate a deposition, a turning out of the Lieutenant Governor and Secretary of State. How do we know that the people would elect them? They are simply remitted back to the popular tribunal, that the people may select their own men; and all this argument about deposition of officers and turning them out—about doing the same thing with them that was done with Jackson and his officers—is based upon the supposition that the people will reject the Lieutenant Governor and Secretary of State.

Gentlemen object to this election on the ground that no fair election can be had. I wish simply to say in regard to that, that it is no criterion whether a fair election can be had or not, because the vote now in special elections is very small. I will state why. As my friend from Adair said yesterday, a large portion of our voting population, many thousands, are in the army of the Union at distant points, so that when you hold a special election in St. Louis or here, or in any district, there is no possibility of those Missouri soldiers at Vicksburg taking part in it. Then, again, there is the vast number of men in Price's and other armies that have recruited in this State; and there are the secessionists in the bush, numbering thousands, who do not trust themselves to come to the polls. Then, again, there is a large mass of those whose consciences, defiled as they are, cannot stand the oath you have prescribed for them. Now take out all these, and I venture to say that, with the deaths that have taken place in the army, and the removal from the State of those that have been driven from their habitations by the bushwhackers and guerrillas, and poll a vote of all the loyal men in Missouri this day who will take the oath and entitle themselves to vote, and you have not as many votes as in 1860 by 100,000. This accounts for the smallness of the votes. It shows where the loyal people of Missouri are now. It shows how many of our people have become disloyal, and how many there are under the flag of our Union fighting for it.

But some outrages have been perpetrated somewhere. Why I do not know that I have ever seen an election where there would not be outrages committed. I remember when I used to stand about the precincts of the ballot-box in Kentucky and see the horrible outrages that men perpetrated on each other in the three days' election in the first week in August. And because there are outrages committed in certain localities, is that a reason why the great mass of the people throughout the State should have no voice in the choice of their rulers?

The gentleman from Randolph, if I remember aright, drew a parallel between the surrendering of these offices to the people and the deposition of Jackson and his officers, and thinks it casts the same stigma upon the present officers that the Convention put upon his officers. I deny it. There the very element of the stigma was their expulsion from office; here it is not expulsion; they remain in office till the people choose to elect others. There the expulsion was to be succeeded by the appointment by this Convention of their successors; here we give the appointment to the people, the fountain-head of all our power. There the action was accompanied with the well known reason for doing it, to wit, the treason of the men, who were disloyal; here no whisper is breathed against the integrity or the loyalty of the two gentlemen who are to submit their claims to the people.

And now, gentlemen of the Convention, having occupied your time and attention upon this subject more than I desired to do, and more than I would have done had I not believed it to be a matter of great importance to our State, I beg leave simply to say in conclusion, that while I have from the first admired the dignity with which this body has conducted its proceedings, and the wisdom which has characterized the conduct of its members, and the steady adherence to principle which they have maintained from first to last, I shall profoundly regret if the members of this body, in this its last session, see fit, for special considerations, or considerations connected with anything than the topic under our immediate consideration, suffer themselves to lay aside the *principle* which, it seems to me, ought to govern us, and refuse to the people an election by them of their own executive officers.

Mr. HALL of R. I wish, Mr. President, to make a few remarks now, simply because the remarks of the gentleman from St. Louis seem to call for it. If I said that no honest man would go for immediate emancipation, I was unfortunate in the use of my language. I did say, I presume, that my own convictions are that it will be a most dishonest act. Honest men sometimes do dishonest acts; honest men sometimes err in their judgment, are sometimes miserably blinded by prejudice or passion, and do very wrong things; but this does not go to demoralize the man. A good man may do some wrong act, he may be misled, and his moral character is not corrupted by it. What is meant by a dishonest man, is a man who is demoralized and corrupt in his moral character. Such I did not mean in my remarks.

Gentlemen are astonished that I should speak with feeling upon this subject; and they are arguing on abstract principles, philosophizing upon matters of which they do not see the practical operation. They illustrate the truth of the remark of the French philosopher, that it is remarkable with what equanimity we can bear the misfortunes of others. What these gentlemen are reasoning upon, comes home to my neighbors, to men I have known for twenty odd years, that I have seen toiling year after year, and investing their little means in a property for which a pledge is given to the people of this State that they shall be protected in; and these gentlemen propose to reduce these men to beggary, and their families to want, and they expect me to witness this, and to speak as though it was a matter of ordinary concern, a matter that might be jested about! Why, gentlemen, I could not be true to my country, if I did not feel indignation at such a thing. And I will give expression to it, and say that if you do rob those men, you are doing a dishonest act. If you do rob my neighbors of the property for which that solemn pledge was given, you are, I say, doing a dishonest act; and you can with the same reason rob the bond-holders of this State; you can, with the same reason, rob the rich man of his property; you can tear from a man every right in which he is protected by the law. And gentlemen talk about this thing as though I could be quiet. I cannot be quiet under it. Why, sir, if my constituents were to come and ask me to rob the humblest individual in the land, the most remote from me; if they were to ask me to strip him of his property by my vote here, I would not do it. If every constituent I had were to demand it of me, I would not do it. If they want to select an instrument to carry out their purposes, they must get some one else. I am here for an honorable purpose—to serve them in the discharge of honorable duties.

There are, as I have said, principles that you cannot violate without sapping the foundations of society, creating disquietude, and tending to the destruction of every right, leading on to and encouraging a spirit which will end in the subversion of society, unless the strong arm of a military despotism interposes to protect the community from it. Your violation of these principles affects the humblest individual in the land. Gentlemen, with all the force that you can give to the act; with all the moral weight that you can give it, and which from your past conduct you are entitled to give to the act, you are setting a precedent which will be used to your ruin as well as to mine. It may strike down my fellow citizens now, but it will reach you in the end. I stand here on a question of right. The gentleman from St. Louis, (Mr. Drake,) speaks of its being a measure of defence. The President has not thought so. Why the gentleman and those with whom he has acted have been urging the President to do this thing; and with all his sentiments adverse to slavery, desiring exceedingly its extinction in the United States and in this State, being a sworn defender of the Government and bound to do that which is necessary for its defence, they have urged it there, and urged it in vain. And now does that gentleman pretend to tell me that to go and rob my constituents, my fellow-citizens throughout this State, many of whom have been loyal to the Government throughout, who have been willing to peril everything they had on earth in its defence, who have stood up and faced dangers before which men of nerve have quailed, does he pretend to tell me that it is a measure of defence to the State, to restore peace and quiet to the country, that he would tear from them their property; and that by practising such an outrage as this, he is going to produce a loyal sentiment in the State; an outrage that strikes down every principle of justice that holds society together. The gentleman knows it is not so. No man can believe that the way to make men attached to their Government is to persecute them, to tear from them that which you have pledged your honor and faith to maintain. Why the gentleman himself would not

do this thing, as an individual—not to save his right arm. He would not, after having tempted a man to invest his property in a certain way, and pledged his solemn faith for its protection, he would not try to take it from him. And yet he wants this body of men to do that which each individual member would refuse to do, what an honest man would shrink from. It would reach, sir, two-thirds of my constituents. Gentlemen, I have come here prepared to yield all my prejudices and prepossessions on this subject, prepared completely to reverse my whole course if a regard for consistency in a matter of this sort could influnce me, this would not be the case; but there is not a man in this State, whose course in this Convention at this session will present a more glaring inconsistency than will mine. I make no secret of my views. I believe the negro is better off in a condition of slavery than in any other. I believe that we cannot get rid of slavery; it is too great an undertaking. I believe that we cannot get rid of the negro, and that not only is he better off as a slave, but that we are better off than when he is likely to become a pauper or a criminal. This is my conviction. Yet I have come to the terms here of agreeing that slavery shall be extinct in 1876; and that if any man remains with his slave property in this State after this time, he shall be deprived of it. And how can I reconcile this with a sense of justice? It is hard to do, and I go home with a heavy heart if I should accomplish it; go home, to warn my constituents, to place their house in order, or leave their homes where they have lived with profit and comfort for years. But why do I do it? I do it because I want, as I said yesterday, to get a power to fight against a great danger, this spirit of radicalism. The principles which are advocated in this State now, and by gentlemen whose position and influence give a dignity and force to their advocacy, that men who would before have shrunk from uttering such sentiments will now uphold them, I believe to be fatal to the very existence of society; and I feel that, as a measure of defence, it is necessary to unite the whole moral worth of this State.

Now, this question of emancipation has been a bone of contention among the Union loyal men—and by loyal I mean those who respect law; I do not call a revolutionist a loyal man. I regret that the subject was introduced till the rebellion was quelled. I opposed its introduction on that account. I knew I was acting with gentlemen who differed with me on this subject; but we acted in harmony because this question was never raised. When it was thrust in, it divided us. A determination has grown up among the loyal men of the State to resist every attempt to bring upon us this terrible evil; but they have been divided and denouncing each other, when all their united powers were necessary to defend themselves. This question would come up; I tried to stay it back, but it has come; and I feel the necessity of this union. Therefore, as they have not, or could not, or would not yield, I yield. I come to them; I seek terms. I have made terms; and I have sought to persuade others, who agreed with me in sentiment, to come to these terms for the purpose of uniting all the moral worth of the State in resisting this radical, revolutionary element.

I tell you, gentlemen, that the course pursued by the gradual emancipationists in St. Louis has done more for the cause of emancipation in this State than all the workings of the radicals. The fact that the gradual emancipation party of St. Louis stood up and resisted their party associates, and were unwilling to accept party success at the expense of justice and right, has reached the heart of every man in this State who respects right and justice, and has caused a desire that we should act in concert with them; and a similar action of the gradual emancipation party in the Legislature has done much to bring about this state of things.

I, myself, have no fear of the radicals. I am prepared to resist them, and in any way they choose to assail us; but I do want to act with the truly loyal men of the State. To do that, I am willing to make any sacrifice on my own part. The sacrifice that I have made is great; you may not appreciate it; but I will try, if the power is within me—I will labor during this session—to make you feel it.

Mr. DRAKE called for the question, and demanded the ayes and noes.

Mr. GANTT. Before the vote is taken, I propose to give the reason for my vote. I am opposed to an election by the people for Governor, but not, by any means, for the reason stated by my colleague. It has nothing to do with the slavery question.

I believe that there are fully twenty chances to one that Vicksburg will fall. That event will give perfect security to Missouri; it will place the war at a distance from us. Anything like an invasion of the State will be out of the question. But, when this Convention met in June,

1862, the confidence that Richmond would fall within a month was greater than that Vicksburg will now fall within the same time; yet Richmond did not fall; and it may come to pass that Vicksburg may not, at least not within the time anticipated. There may be one chance in twenty or thirty that Vicksburg will not fall, and that our armies before Vicksburg may suffer a disaster. It is unsafe to rely upon uncertainties; but, improbable as the case may be, I do not think it would be wise to entirely put it away from us. There is a possibility of even a large force coming up with the army of Gen. Grant. If that should be so, it does not require much military science to see in what position the army of Gen. Grant would be placed. It would be exposed to the chances of a great calamity. Now, supposing that the chances of war should turn against us, that the siege should be raised, and a blow inflicted upon Grant's army. Now, everybody must know that if Grant's army should be defeated, the army of the frontier will share its fate. Then, without an army for the defence of Missouri, should the State be invaded, and without any power to stop the election, we should have the scenes reproduced which we remember in the months of September and October of 1861. Should such an event occur, I think that all who have insisted upon submitting the election to the people would regret their agency in bringing it about, for it would expose us to the extreme hazard of the election of men not in the least in harmony with this Convention, or with the Government of the United States. There may be such a state of things. I admit the chances are remote; but still, while there is the chance that no Union man could go to the polls without risking his life, I choose to incur all the odium, and all the unpopularity, of doing all I can to avoid the risk. I am well aware that by the machinations of the few, there will be great odium and unpopularity incurred by refusing to refer this election to the people.

Something has been said about the rights of the people, and of the long time they have been pining for a popular election. It would really seem that those who use this language have forgotten that, in 1860, at the appointed time, the people did have the chance of electing a Governor, and did exercise that power; and that the time, according to the constitution and laws under which we live, for the regular election of Governor, will again occur next year.

I have stated my reasons for not voting for the election of Governor being submitted to the people; that is my controlling reason. I am not sure that I should vote differently were these reasons absent, by the facts stated by the gentleman from Clinton, and others, of instances where the freedom of election was prevented in November last in many parts of the State. The gentlemen who say there was absolute freedom of election at that time of course believe it. I am bound to believe that they do believe it; but when I make that concession, they must permit me to wonder at, and admire, the credulity that possesses them.

The PRESIDENT. The question is on the amendment offered by the gentleman from Linn.

The amendment was lost, the vote being as follows: ayes 34, noes 46.

Mr. Orr was excused from voting on account of being one of the office-holders included in the resolution. Mr. Welch was also excused for the same reason.

The PRESIDENT. The question is on the substitute offered by the gentleman from Adair.

Mr. HITCHCOCK. I ask for a division of the question. The substitute offered by the gentleman from Adair proposes to modify the resolution offered by my colleague, (Mr. Drake,) in three distinct and essential particulars: First, it proposes to change the duty of the committee from that of reporting an ordinance, as proposed by my colleague, to that of taking into consideration and reporting on the propriety of holding an election. Second, it proposes to provide for, or inquire into the propriety of providing for, an election for five instead of three officers. Third, it proposes a different term (November) for holding an election from that (October) proposed by my colleague's original resolution. I know that different gentlemen entertain different opinions as to these several points, and think, therefore, that the question is not only susceptible of division, but ought to be divided in order that an intelligent and unembarrassed vote may be given as to each.

The PRESIDENT. It is still in order to strike out any part that is objected to.

Mr. BUSH. I offer to amend the substitute by striking out the words "take into consideration," and insert in lieu thereof "whose duty it shall be to"; also strike out the words "the propriety of," and insert in place thereof "an ordinance providing for." I suppose the gentleman from Adair will have no objection.

Mr. FOSTER. I will accept the amendment.

Mr. Birch. That being accepted, I propose to amend the substitute by offering an additional resolution:

Resolved, That the said committee be further instructed to report such a modification of the oath required of voters as shall concede the right to all who will pledge themselves to future peace and loyalty.

Mr. Foster. That seems to involve something of an entirely different character.

Mr. Birch. It is for the Chair to decide that. There is not a man here, I suppose, who has not a neighbor who was unfortunately involved in the original complications of this rebellion, and who cannot therefore conscientiously take our present oath; and there are gentlemen in this Convention who have kindred of their own, who, having experienced the folly and crime of this rebellion, have returned, as fully determined as any man here to live a life of loyalty and peace; and I wish to concede the right to all such, to every man who will swear that in the future he will be peaceable and loyal to the United States, and to the Government of this State, and not take up arms against either, nor in any respect give aid or comfort to the enemy. Such a man ought to be allowed to vote, unless you intend to perpetuate amongst us a class of Ishmaelites, whose hands shall be against every man, and every man's hand against them. I ask you, gentlemen, to bring it home to your neighbors, whether it be not better to admit such men to an exercise of their privileges again after a pledge of future loyalty, than, by excluding them from the rights of citizenship, to keep them as enemies. I propose to restore no man to the right to vote who is willing, in any respect, to furnish aid or comfort to the enemy; but those who have repented, who come back amongst us, willing to swear that they will live the life of loyal men, and, if they violate their oath, to incur the penalties prescribed, should, I think, be restored to society again, and vote with us at our elections, marry with our children, and all that.

Mr. Moss. I move to lay the whole subject on the table.

Mr. Hitchcock. I do not think that is the way to get out of the question.

Mr. Moss. I insist upon my motion.

Mr. Drake. I call for the ayes and noes.

The vote resulted as follows: Ayes 39, noes 43.

The President. The question now is on the amendment of the gentleman from Clinton.

Mr. Gravelly. I would request the gentleman from Clinton to modify his resolution, merely referring the matter to the committee, that they should make such a report as they might deem desirable, that they may, if they choose, place restrictions upon rebels and sympathizers, and prevent them from ever voting.

EXPLANATIONS OF VOTES.

Mr. Doniphan. It is well known here what position I occupied in reference to those restrictions, when the oath was agreed upon; but, having adopted them, I now go for retaining them to the close of the war, as they are.

Mr. Hall of Randolph. We have authorized the Legislature to restore the privilege whenever they shall find it proper to do so. I propose to leave it just where the last Convention left it.

Mr. Moss. I am unwilling to deprive any man of the privilege of voting, who repents of his sin; who, in sincerity, says that he is for peace, and is willing to support the Federal Government from this day forward. To such a man I will extend the right hand of fellowship. I vote *aye*.

Mr. Orr. Mr. President, it will be remembered by the members of this Convention, that when a proposition was up to disfranchise voters at the last session, I proposed an amendment similar in effect to the amendment now proposed by the gentleman from Clinton: That in all future elections he that would come up and swear that he would support, protect and defend the Constitution and Government of the country, should be allowed to vote. I supported that measure then, as I will now, because I thought it my duty. I don't care whether a man went into the rebellion ignorantly or wickedly; if he desires to lay down his arms and return to his allegiance, I hold that both policy and duty require us to let him return. Suppose he went into rebellion to assist Jeff. Davis and his associates to override the Constitution and destroy the Government, and has found out, if you please, that he got more than he bargained for, and desires to quit, is it not best to permit him to do so? Suppose we confiscate his property, refuse to recognize him as a freeman, and hang him for treason, I ask what inducement has he to return? I gave it as my deliberate opinion then, as I will now, that such a course will protract this war beyond the life of any member on this

floor. I would, for the purpose of stopping the shedding of blood, shake hands with the meanest rebel in the South, who would, in good faith, return to his allegiance, and assist us in restoring law and order. I cannot see the fitness in preventing the man from voting who has rebelled against the Constitution and laws and steals horses, and permitting the man to vote who has rebelled against the same Constitution and laws and steals negroes. I shall vote for this proposition, not because I think it will carry, for it is already evident that it will be rejected. I vote for it because I think it would shorten the war, if adopted, and hasten peace to my distracted country. I vote *aye*.

Mr. Ross. I know, sir, very many young men that were led astray in the early part of this rebellion, became bushwhackers, and were taken prisoners. They have returned home, have taken the oath, and now they are good and loyal citizens of the State of Missouri. I know of others who have engaged even in bridge-burning, who have turned back, and have even joined in these radical meetings, and have instructed me to vote for immediate emancipation; others have returned and written letters urging immediate emancipation; and I want all those who are willing to take an oath to support the Government of the United States, from this time forth and forever, to have the privilege of voting.

Mr. SAYRE. I believe that it would be very desirable for us to have Jeff. Davis' army reduced in number; I believe he has more fighting men than he should have; and that it would be very desirable to have our own force increased as much as possible. Every step we take in the direction contemplated by the amendment of the gentleman from Clinton strengthens ourselves and weakens the enemy. While our soldiers, with devoted heroism, are engaged in destroying the treacherous and faithless, I believe it should be our policy, if, indeed, it be not our duty, to offer such inducements as will win back those who are at present against us, to come and help us, to strengthen us and weaken the enemy; I shall therefore vote *aye*.

Mr. STEWART. When a man commits wilful perjury, he is not entitled to a vote, nor could he be admitted as a witness on the stand. Some gentlemen say, bring them back—every liar from the bush, just upon a simple oath, which is nothing to them—and let us take them by the hand. The gentleman from Greene county (Mr. Orr) says he does not care how mean a man is, he would take him by the hand and let him come back. I had thought that kind of stuff was nearly worn out.

Mr. WOOLFOLK. At our last Convention we were pretty fully satisfied that no secessionist, or any man who had been in the rebel army, could return and vote while the military were in the State. It is useless for us to pass an ordinance to that effect, when the military would not tolerate it. I prefer not to make a law that could not be carried out.

Mr. BIRCH's amendment was lost by the following vote: Ayes, 23; noes, 59.

The Convention then adjourned till 3 P. M.

AFTERNOON SESSION.

Convention met pursuant to adjournment.

The PRESIDENT laid before the Convention a communication from Charles W. Adams, Secretary of the Methodist Sunday School, asking for the use of the Hall on Thursday evening next, for the purpose of a Sunday School exhibition and concert.

Mr. GANTT. I am opposed to granting the Hall, for the reason that this Convention has no right to do anything of the kind.

The question being upon the adoption of Mr. Foster's substitute,

Mr. COMINGO moved to amend as follows:

"That the resignation of his Excellency Hamilton R. Gamble, tendered to this body, be returned to him, with the request that he continue to exercise the powers and discharge the duties of the office of Governor of this State until the first Monday in November, 1864, and until his successor is elected and qualified."

I am aware, Mr. President, that the proposition contained in the amendment I have just offered excites a good deal of surprise, and is distasteful to many on this floor; but when I took my seat in this body as one of its members, I also took an oath faithfully to discharge the duties that might devolve upon me; and, in presenting this amendment, I am conscientiously discharging a duty which I believe I owe to my State. The resignation of Gov. Gamble came unexpectedly to me, and was received, I doubt not, with surprise and regret by a large majority of this body.

Consulting the best interests of my State, and desiring faithfully to discharge every duty, I offered the amendment now before the House. It may, perhaps will, interfere with the plans

of others; but I am, I trust, actuated by higher motives than a mere desire to defeat the plans of a party organization. I sincerely believe the proposition, if cordially and strongly supported on this floor, would be more beneficial to the people of our State than any of its friends now suppose. I am impressed with the belief that her peace is in extreme jeopardy, and that it would but increase her perils to attempt to hold an election at the present time. It is manifest to my mind that a full and free election just now is impossible, and that it is not to be expected that a state of affairs will exist at any time within the next eight or nine months that will enable the people of the State to express at the polls the views they really entertain. This subject has been already so thoroughly discussed, that I do not propose to enter upon it again to any great extent. Feeling, however, that this is no time for holding a general election throughout the State, I am constrained to reiterate some of the arguments already used, and to urge the Convention to consider the impending danger.

The gentleman from St. Louis (Mr. Gantt) pointed out very forcibly the extreme danger we would incur by ordering an election in November next. Admitting that the State is sufficiently quiet at this time, which is by no means a fact, the possibility that Vicksburg may not fall is one of the many circumstances to be considered. Although I entertain but little fear from that point, still it is within the limits of possibility; and if it should not fall, and Gen. Grant should have to raise the siege of that rebel stronghold, it would have a very important and dangerous influence upon the future peace of the State of Missouri. If we can credit the journals of to-day, he is now in danger of being attacked in the rear by a force of from 60,000 to 90,000; therefore, the possibility of which I have spoken assumes almost the aspect of probability. I regret this exceedingly, and hope the unfavorable news of to-day may prove untrue, as is so often the case with newspaper reports; but it may not; and whether it should or not, the *possibility*, if not the probability, exists, and we should guard against it. Another fact to be considered is the condition of our entire country. When we hear of the painful rumors that come from the banks of the Potomac and the Rappahannock, and the probability of terrible battles soon to take place there; when we hear that Hooker is falling back upon Winchester, and that it is perhaps within the bounds of possibility that our capital may fall before the desperate and perhaps superior force that is marching upon it, we should consider the effect that such unfortunate events would certainly have throughout our entire State. Not only so, but we must remember that many of our citizens are at this time absent from the State, being soldiers in the various regiments that have marched to remote seats of the war, to take part in the desperate struggle in their country's cause. The number thus absent must be very considerable. Under all these circumstances, should the election come off in November, no one can tell upon whom it would devolve, nor what would be the probable result. Possibly by that time our State may be in such a condition that an election cannot be held, or a fair election at all events, in half the counties, and possibly it might not be held in a dozen.

Besides, Mr. President, I cannot see what objection can be made to the proposition as it now presents itself. If we were about to act as I proposed on yesterday, that is, to vote upon the question whether *we* would elect another Governor, the question might be more difficult; but now we propose simply to express our desire that Governor Gamble should withdraw his resignation; and is there any reason why we should not, or why he should not, comply with the request if made? Is there any gentleman on this floor who is so greatly alarmed by this popular clamor of which we have heard so much that he will shrink from the discharge of a manifest duty? Or do the meetings that we hear have been held in one part of the State and another strike us with so much terror that we will bow to the dictation that comes from those sources, though we believe and know that in so doing we are driving our bark upon breakers, and will endanger her safety? I hope not, Mr. President. Again, sir; is there any reason why we should not entrust the duties of the gubernatorial office still in the hands of Governor Gamble? He has faithfully discharged those duties since he came into power; and I am as willing to risk the destinies of this State in his hands to-day as when he was first chosen Governor by this Convention. For two years he has managed the affairs of this State in a more successful manner than perhaps any other man in it could have done; and are we now afraid to trust him with them for twelve or eighteen months longer? Is there any reason why we should not ask Governor Gamble, or even demand of him, that he make

the sacrifice for another year? I know that gentlemen have great deference for the opinions of the people, and seem to bow to the resolutions that have been read on this floor, and others they have read in the papers; but they have all been of one character, apparently have had the same paternity, and are, as I verily believe, the expression of the real sentiments of a very few men; and these few, acting (not all, it is true) unwittingly in obedience to the dictates of a central power speaking through the infamous circular referred to by the gentleman from St. Louis, (Mr. Smith,) and also by the gentleman from Clinton, (Mr. Bush,) in some remarks on this floor. Notwithstanding the doubtful authority of these resolutions, to say nothing of their lack of wisdom and justice, those who are opposed to our action come to us and say the people are becoming restless, and we must heed their potent voice. I know I have as high a regard for the rights of the people as any one, and am as anxious to see them enjoy them as any one; but I do not feel that I am doing the least violence to those rights by the proposed action with reference to our worthy chief Executive and his resignation. Less than three years ago they exercised the right of electing a Governor; and why should they be so exceedingly clamorous for that privilege just now, between the periods at which regular elections occur? Why is it that this terrible thirst for the privilege of voting exists in the great public mind just now? Is it because they feel that their rights are trampled under foot, and they are the victims of some insupportable tyranny? If so, how is it? What particular interest is suffering or has been neglected? If Jackson had not been deposed, and had remained at his post in the discharge of his duties, there would not have been an election for Governor before 1864; but he having been deposed as Governor, the dear people are shamefully oppressed in not having the privilege of going to the polls and deciding (the few for the many) how the State shall be governed, or rather who shall govern it for the residue of the term for which he was elected.

If I thought Governor Gamble would prove recreant to the high trust reposed in him, and would not as faithfully discharge the arduous duties of the office in the future as in times past, I would say we ought not think of adopting such a resolution as I have offered; but believing, as I do, that he is eminently qualified for the position—knowing that he possesses a thorough knowledge of the affairs of the State, having closely investigated them for the past two years—I would greatly regret to learn that any gentleman on this floor would refuse or hesitate to request him to reassume his post. I know the situation has been an exceedingly unpleasant one to him; that its honors and emoluments were small considerations to him; that it has been a heavy cross; and that, instead of having been a source of pleasure, it has been as a bed of thorns. It will be remembered that when he accepted it, he said he would rather give a check on his banker for $10,000 than do so; and that he now tells us it has never been more desirable than it was at the time he first entered upon his duties. These, I have no doubt, are still his feelings; but that high sense of duty that impelled him two years ago may induce him to undertake to serve his State another year. He may shrink from accepting the proposition, however strongly urged; he may positively reject it, but I hope not. Under the circumstances, I feel that we almost have a right to demand the sacrifice at his hands.

Mr. President, if I did not think there is impending danger that our State may again become convulsed from centre to circumference, and that the danger would be greatly augmented by the holding of a popular election, I would not feel so much solicitude about the matter; I would not so zealously advocate a measure like this, and thereby incur the displeasure of dominant cliques in my own county and elsewhere, and bring upon myself their anathemas without measure.

There are, I know, in my own county and elsewhere, numbers who are exceedingly anxious to get rid of our Executive and other State officers; and they doubtless have special reasons for this, but what they are I know not. I think, however, it would be safe to assume that they are to be found in a desire to serve party interests, rather more than in a noble purpose to benefit the State of Missouri. These gentlemen cry loudly, lustily and bitterly against the Governor and other State officers, curse the Convention, and even murmur against the President of the United States. Why is this the case? Why does the cry come up from certain quarters, "Down with Gamble; damn the Convention, and to the devil with the whole of them if necessary"? The conclusion is irresistible that there is something in the background; that their ulterior and ostensible objects are not the same; that some purpose lies concealed in the deep darkness that will

ultimately burst upon us and awake us from our slumbers like fire-bells at night; and that, when we least expect it, we may find ourselves in the midst of civil convulsions from which we shall never recover. Let us beware.

Mr. DRAKE. I rise to a point of order. The question as stated by the President was upon the substitute offered to my resolution by the gentleman from Adair. The gentleman from Jackson now offers a substitute for a substitute.

Mr. COMINGO. I offer to amend the substitute.

Mr. DRAKE. No, sir. I inquire if it is in order to offer a substitute for a substitute?

The PRESIDENT. The gentleman from Jackson may offer to strike out what he desires.

Mr. DRAKE. It would still be a substitute for a substitute.

The PRESIDENT. The gentleman from Jackson cannot offer a substitute for a substitute; but he would be in order to offer to amend the substitute by striking out and inserting. As no amendment is pending, the gentleman is in order.

Mr. STEWART. I have heard it asserted here that, because Gov. Gamble has performed his duties so well; that, being a man of such distinguished ability, a man of such literary attainments, and a judge of such unquestioned integrity, that he should be asked to retain his present position. Now, I have always noticed that whenever a man wants an office he professes to be heartily sick of it. Now, Mr. President, I am here to represent my constituents, to whom alone I am responsible, and I assert that there is a deep and settled prejudice in the minds of a great many people against this Provisional Government. It matters not to me whether it is ill or well founded; I simply say it exists. If Gov. Gamble is tired of his office, in God's name, let him retire. The question is, have we a State Government, or have we none? The people want to have a government of their own choice. We have principle and law on our side; and, if necessary, the guns too; but we do not want to threaten with anything beyond the force of public sentiment. What necessity is there for asking a man who has resigned to retain his seat—after he has told this honorable body that it has been at a great sacrifice of his private interests? It has been said that he would rather have given ten thousand dollars than accept office. Then, I say, let us accept his resignation. All this cry about public clamor, and the possible subjugation of the National armies, has nothing to do with the case before this Convention. I know that Vicksburg will be taken, and that we shall cross the Rappahannock; but dispatches of any kind do not affect the question whether we are to elect a Governor or not. Suppose the rebels should take Washington; suppose England should league with France to interfere in our struggle, I suppose it would not have very much influence on our minds in appointing a Governor of this State. But, sir, there is no power on earth, nor in Tophet, civilized or savage, that need give us one moment of real uneasiness. We have something nearer home to deal with. It is the nigger question—the cause of all our difficulty; the pretext for nullification, and now for disunion. I believe the people of this State understand that, and mean to act accordingly. I shall vote for the original proposition.

Mr. IRWIN. It seems to me, sir, that there has been some disposition manifested to embarrass the action of the Convention on the original proposition by tacking on amendments that stood little chance of being carried. The gentleman from Clinton introduced an amendment which he must have known that this Convention would not permit to pass. If a man has been in open rebellion against his Government, and, after doing all that he could to destroy it, finds that its destruction cannot be accomplished, says, ostensibly, that though he is in favor of the so-called Southern Confederacy, he is weary of the war and wants peace, are we, I ask, to permit such a man to go to the polls, and make laws for the loyal men of Missouri? So far as I am concerned, I am not willing to give the right of suffrage to any Secessionist. I would favor the removal of such a man to Dixie.

I respect Gov. Gamble as a man, a gentleman, a statesman, and a christian patriot. I have a special reason to respect and love him, as well as his father before him. I sat at his feet in the Sabbath school; and it was his father and mother who first directed my thoughts to the realities of the brighter world. I respect Gov. Gamble too much to vote for the proposition now before the House. The Governor, I fully believe, has made up his mind in regard to resigning the position he has held with so much credit to himself. It has been no hasty conclusion, but a matter of mature deliberation. Such being my views, I shall vote against the proposition.

Mr. DRAKE. I think the resolution of the gentleman from Jackson, if adopted, and if

acted upon by Gov. Gamble favorably, brings upon him, in the minds of vast multitudes in this State, an imputation which I should be very sorry to have cast upon a friend of mine, namely, that he had sent in his resignation merely to withdraw it if the Convention asked him to do so. But this is not the consideration that moves me. This resolution is an endorsement, from beginning to end, of Gov. Gamble's administration of the government, and, while I do not intend to assail that administration here, I take leave to say that, while Gov. Gamble and myself have been, for a quarter of a century, intimate friends, and while I have great respect for his character as a man, as a lawyer, and as a judge, I have seen too much in his administration as Governor which did not meet with my approval for me now, as a member of this Convention, to give a vote which declared an entire concurrence in his whole administration.

Mr. BRECKINRIDGE. I came to this body with the fixed purpose not to vote in this Convention for an election of Governor unless some extraordinary circumstance should arise which seemed to require it. The circumstance which seemed to require it—the resignation of the Governor—was entirely unexpected by me up to the moment of the announcement contained in the message of the Governor. I have no means of knowing what will be the action of Gov. Gamble on this resolution, should it be carried. But I wish to offer some reasons why it should be adopted. Yesterday the alternative was presented of a choice of a Governor by the Convention, or an election of one by the people. This substitute gives another choice, or it seems to give one, that the present incumbent may be induced to retain his office and act for the brief remnant of the term for which he was chosen. I feel bound by my convictions, by fidelity to the purposes for which I am here, to support the substitute. I think it proper to say in reference to a remark by my colleague and friend, (Mr. Drake,) that I do not think that in voting *aye* on this proposition, this body would vote a perfect endorsement of everything done by Gov. Gamble in his office. My opinion is this, Mr. President; it is simply, on our part, if adopted, the expression of a conviction that, in the present condition of the State, in view of the circumstances which surround us, if Gov. Gamble can be induced by the respectful invitation of this Convention, to withdraw his resignation, it is the best thing that can be done. I have no doubt that if any citizen of the State of Missouri should narrowly examine the actions of the Executive, he would find, now and then, things done which, if his own judgment had been exercised, would not have been done; and perhaps I might find many things that, with my limited knowledge of the circumstances, I should not have done; but I still say, that in view of all the thronging difficulties which have surrounded him from the first moment he took office down to the present, the Governor has manifested a wisdom, a patriotism, and a courage, which entitle him to the thanks of all loyal men in this State. I have tried briefly to express my views, and upon them I shall vote.

Mr. GRAVELLY. Is it in order, I would beg to inquire, to offer an amendment to the amendment to the substitute?

The PRESIDENT. No, sir.

Mr. GRAVELLY. I give notice, then, that at the proper time I will introduce the following:

"That Gov. Gamble be requested to hold the office of Governor until the 17th of November, 1863."

I came here with the intention of carrying out the wishes of my constituents in regard to the election of Governor, Lieut. Governor, and Secretary of State. All of us understood when these officers were appointed, that when we could safely do so we would submit our acts to the people, and allow them to elect State officers of their own choice. When in June last, when we assembled here, and a motion was made and an ordinance presented to bring on the election in November, I voted for it. It was adopted by a majority, but on the next day it was reconsidered, and the Governor was requested to remain in office. It is not necessary for me to say in this Convention, or out of it, that I endorse the action of the Hon. H. R. Gamble as Governor of this State. Such a declaration is not needed from me. But I must be permitted to say with respect to my friend from Jackson, that his endorsement was necessary. He had no agency in putting these gentlemen in office; and when an attempt was made to turn them out, he was not present.

I shall, Mr. President, carry out my purpose of voting against the resolution, and I do so without intending in the slightest degree any imputation upon the conduct of the Governor. The loyal people of the State, whenever a voice has come up here, are in favor of an election at the earliest practicable moment.

Mr. HOWELL. I see no reason why the Governor should be requested to reconsider his

resignation. I suppose the gentleman who has introduced the amendment has no emphatic opinion that the Governor would resume office after the resignation which has been tendered to this Convention. There have been some things in the administration that I do not entirely agree with; but, upon the whole, I think, sir, especially when we consider the circumstances now pressing upon the country, that if Gov. Gamble could be induced to resume office as Governor of the State, it would be the best choice that could possibly be made. Gov. Gamble, it is true, is not the choice of the radical, anti-slavery party in the State, nor of the radical secessionist party in the State. I regard him, sir, as one who, by his wise and judicious course, may be considered an intermediate man—a man for the Constitution and for the Union. I believe, sir, that a great majority of the people of the State occupy that position. Certainly the substantial men, the men of worth in the State, whose opinions are entitled to serious consideration, are not far from the position occupied by Gov. Gamble. Under all circumstances, I believe the best possible compromise that true, loyal men can make—men who desire the best interests of the country, and who desire to put down radicalism of all kinds—will be to adopt the suggestion of the amendment. For these reasons I shall vote for the amendment that has been presented, not knowing whether, in the event of its being carried, the Governor will respond favorably or not. I believe, sir, that Gov. Gamble is the choice of nine out of every ten men in my section of the country, eschewing, of course, radicals of both kinds. After this Convention has resumed the administration of the affairs of State, and after we have so long gone in the right direction, I think it would be most unfortunate were we to risk all by a change of policy which thus far has worked so well, and with which the people generally are satisfied.

Mr. Birch. I wish to show, Mr. President, how exceedingly uncharitable the gentleman from Shelby (Mr. Irwin) proved himself to be in his recent remarks. Allow me to read from page 23 of the journal of the proceedings of our last session, seventh day: "And I do further solemnly swear (or affirm) that I have not, since the 17th day of December, A. D. 1861, wilfully taken up arms, or levied war against the United States, or against the Provisional Government of the State of Missouri, so help me God."

My amendment, introduced this morning, was simply to get rid of that part of the ordinance which was put upon us by the distinguished delegate from St. Louis, (Mr. Breckinridge,) and which was passed by a majority of only three or four in a House of sixty-six members. Here we have ninety, and I suppose it might possibly be carried. If we are to indulge in this kind of unfairness, when a member proposed to undo that which was done at our last session; if a member is to be loaded with prejudice, and be marked as a fit subject to be buffeted in the streets, it is indeed time that we adjourn.

Mr. Irwin. Our experience in my section of the country has been that those persons who have been in the rebel service, or engaged in bushwhacking, on returning home may have shown signs of penitence, and in some cases even brought forth fruit meet for repentance; but no sooner did another opportunity occur, no sooner was another raid gotten up, than those very persons, in nine cases out of ten, engaged in it.

Mr. Prewitt. The Provisional Government of the State of Missouri is entitled to the respect and confidence of this Convention. They undertook to fill those offices, sir, in times of trouble, and they have exercised the functions of those offices from that time till now with such satisfactory results that they have brought the State of Missouri out of the difficulties which then surrounded it, and allowed the State to take its place as one of the States of the Union. That the flag of our country is still flying over us, is in a great measure due to the exertions of those gentlemen. It may be, sir, that some of the actions of these gentlemen may be considered objectionable by certain members of this Convention; but I never saw the man, no matter how powerful or noble his position, or elevated his intellect, who could please every one. Should Governor Gamble see fit to withdraw his resignation, it is well; but I am not one of those who profess love for the Governor, and show it by turning him out of office. I would rather see those gentlemen who profess so much regard and respect for the Provisional Government, show it by their vote for the resolution asking the Governor to retain office till 1864, and til his successor is duly elected.

Mr. Hall of R. I am one of those that have not always been satisfied with the action of Gov. Gamble; but when I reflect upon the difficulties of his situation, I feel satisfied that it was

impossible for any man so to have administered the affairs of this State as to have given perfect satisfaction to all. When I reflect upon his whole course, the difficulties he has encountered, the trials and troubles we have all had, justice requires me to say that I believe he has zealously administered the affairs of the State according to his ideas of their best interests, that they have been ably administered, and that he has shown himself to be a patriot, and a man of high administrative abilities. Governor Gamble accepted his office under the most trying circumstances. The Convention that deposed the Government then in existence, and called upon Governor Gamble to accept it, sat here on the most trying occasion I have ever experienced. It was the first day of the session, I believe, that we heard of the defeat at Manassas—our first defeat. It was before the close of the session we heard of the advance of Price, who would destroy Lyon unless he could be sustained, and that was doubtful. It was, I say, under circumstances the most trying, in which every man felt at the time that he might be doing an act that would exile him from the State, or cause his own death, that Governor Gamble was induced to accept that position.

We all know, too, his has been a most laborious office; but when he comes to consider the consequences that will ensue on our throwing this question before the people, I believe he may, on our application, be induced to reconsider the subject. What the people want at this time is repose; we have been in a state of commotion for two years. Society is now begining to setile itself; the people are begin ing to realize their condition; their eyes are being opened to all the consequences, and there is a desire, a settled, universal desire for repose. The very idea of opening up this question in the form of an election, is going to produce an anxiety and alarm as to the consequences that will make every one regret that he should have come to this determination. If we can induce Governor Gamble to continue in office, he will add to the favors which I believe he has conferred upon the State by accepting it before.

Mr. Bush. I regret, deeply regret, the gentlemen cannot treat the question on principle, and on principle only, devoid of personal grounds. A year ago, the question of continuing the Provisional Government was before us. I voted then that it should *not* be continued upon the same principles, as I will now vote against any resolution tending to a continuance of the same. Then no voice was raised against Gov. Gamble, neither from what you call radicals nor from others; and it is not now in consequence of any clamor or censure that I vote against this resolution. "On the long list of champions of human freedom there is not one name dimmed by the reproach of advocating the extension of executive authority. On the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it." If this is not your purpose, it shall be mine at least; if this sounds radical in your ears, I will name the radical who said it — it is your great Daniel Webster. In this spirit I acted a year ago; and now, when the people loudly express the demand to give them back the right to choose their own rulers, and ask you to act in the spirit of constitutional liberty, will you refuse it? The Governor may or may not have committed any of the acts charged upon him by many of my friends and constituents; he may or may not have deserved their displeasure or disapproval — it matters not. I do not join in the clamor of the press, but I do join them in their just demand to return to the people their legitimate right — the right of selecting their executive officers themselves.

But objections are made on the ground of policy. It is claimed that a fair election cannot be held. This objection, coming from gentlemen who have themselves been candidates for office under the same restrictions and difficulties which now surround the ballot-box — coming from the gentleman from Clinton, who only last year complained that "this Convention had voted him out of the canvass for Governor," or from the gentleman from Randolph, who was returned to Congress by such an unfair election — have but little weight with me. But my honorable colleague from St. Louis (Mr. Gantt) fears that it may be dangerous to order an election to be held in November next, when it might be possible — though the chances were only one in fifty — that Gen. Grant's army before Vicksburg would be defeated, and our State be imperilled in consequence thereof. While I trust that the wish is not father of that thought; nay, while I myself admit the possibility of such a calamity, I will remind the gentleman, that, after the defeat before Richmond, to which he alluded, important elections were nevertheless held by the people in Maryland and Kentucky, and that we are about to hold in this State a general election for the Judi-

ciary. I am sanguine of the final fall of Vicksburg, and I am fearless of any serious military interference, or of any other disturbance, in our midst. Part of these complaints have already been refuted by others who addressed you before me, and there is reason to believe that they will not recur. Furthermore, I cannot believe that the wisdom of the present Executive would permit him to yield to the wishes expressed in this resolution against the vote of some of his truest friends, and against the almost unanimous desire of the people. I consider this resolution, therefore, at variance with our duty as their representatives, at variance with the principles of liberty, and at variance with good policy.

Mr. BROADHEAD. Though I am well satisfied that Gov. Gamble will not assent to the request contained in that proposition, I nevertheless intend, as it had been introduced, to vote for it. It is a question whether this Convention will or will not endorse the administration of Gov. Gamble. Now, sir, taking into consideration the troubled times through which we have passed, I am willing to say that there is no man within the limits of the State who could have given such general satisfaction as Gov. Gamble has. He has performed his duties, during these trying times, as became a true patriot and an honest man. He assumed the gubernatorial function at a time when we did not know whether the force of circumstances, following the disaster at Manassas, would not throw Missouri into the power of the secessionists. It was under such threatening danger that Gov. Gamble assumed the discharge of his duties; and it is a fact that should secure for him the gratitude of every loyal man, that he has, in the administration of the affairs of the State, divested himself of all prejudices, as far as it is possible for intelligent humanity to do.

Mr. COMINGO. It would doubtless be highly complimentary to Gov. Gamble to get the vote contemplated; and it is possible that, after the expression of a desire of that sort on the part of the Convention, he may resolve not to accept the position again; yet if the wishes of the Convention were urged upon him, together with the reasons which have been advanced here, he might, on sober second thought, conclude to accept it. I have no doubt myself that Gov. Gamble may have committed errors; if he had not, he would have a better head and heart than any man it has ever been my good fortune to meet with; and if we wait till we meet with the man incapable of committing errors, we shall never give a complimentary vote to any man, whatever his services to his country may have been.

I offer it, in further view of the absolute necessity of his retaining his position, if he would avoid the risk of seeing our State convulsed with civil strife.

Mr. DRAKE. Do I understand the gentleman from Jackson to say that Lieut. Gov. Hall would be unable to prevent civil commotion in this State?

Mr. COMINGO. No, sir. What I intended to convey was, that an election in the State would produce convulsion, which Lieut. Gov. Hall could not prevent. The people of the State are now, to a considerable extent, quiet; but if an election is ordered, and some are excluded from voting, it is likely to produce convulsion throughout the whole community.

Mr. FOSTER. The journals of this Convention show that I assisted in the election of Governor Gamble, Lieut. Gov. Hall, and the Secretary of State. Now, sir, upon a proposition to compliment Gov. Gamble, I could willingly do so; but when it comes to complimenting the Governor at the expense of the people of Missouri, then I am not disposed to do it. I differ with the honorable gentleman from St. Louis (Mr. Breckinridge). I admire the generalship of the enemies of an election, but I do not admire the object they seek to accomplish — that is, to pass a *substitute for a substitute*. I do not believe, Mr. President, that the mover or supporters really intend it as a compliment to Gov. Gamble, but simply to kill the substitute. If this is carried, of course it disposes of the substitute; and what comes of the proposition to submit the election to the people? Of course that is the end of it. I repeat, I respect Gov. Gamble; but I am not disposed, sir, to compliment him, when, by so doing, I deny the people the right of election. Gov. Gamble, I suppose, deliberately comes to the conclusion that he cannot serve the State any longer in the capacity of Governor. I do not see, sir, how I can consistently ask him to withdraw his resignation. I did not ask him to resign; I am not going to ask the Lieut. Governor, or any other officer, to resign; but if they do resign, I shall not ask them to withdraw their resignation. As I am in favor of the election being submitted to the people at the earliest practicable moment, I feel it to be my duty to oppose everything that proposes

to thwart that measure, and this is one means of beating it off, if it can be beaten at all.

I am not going to argue whether Gov. Gamble has performed all his duties well or not Were I disposed so to do, I should perhaps endorse his course in the main. I do not feel that I am called upon to pass upon that now. The question for us to determine is whether this election shall go to the people or not; and I cannot regard it other than an unfair way of disposing of it, on the part of this body. It is a dodge, instead of a vote upon the main question. I am desirous of putting the question square, and having a vote for or against holding the election. I do not desire any side issues to be lugged in. Let gentlemen stand before the country and before the whole world upon this question either for or against an election.

Mr. SHACKELFORD. I cannot remain silent when my colleague is assailed, as is being done at the present time. I feel I owe a duty to him and his constituents, and to the western portion of the State of Missouri, not to allow him to be tried here, and condemned for inability, or incapacity, or unfaithfulness to the government of the State of Missouri, by the passage of such an amendment to the resolution as that now before this body. It as much as says "Lieut. Governor Hall is not competent to fill the office of Governor between this period and that which intervenes till election day." I do not believe it, sir. I have the fullest confidence in the ability of Lieut. Governor Hall, and in his integrity, and that for the length of time he may serve into his term, I believe that Lieut. Gov. Hall is as well qualified to fill the position as the Hon. H. R. Gamble himself. I am unwilling to have him thus indirectly impeached. If gentlemen here wish to vote in favor of this proposition; if they wish to indirectly say that Lieut. Governor Hall is not capable of filling the office of Governor, and of executing the laws, and acting as Commander-in-Chief of the Union forces of this State, let them do it, and take the responsibility. I shall not do so by my vote.

Mr. HITCHCOCK. In view of the remarks of one or two gentlemen, I desire to state why I vote against the resolution. First, it is argued that it is necessary that Gov. Gamble should change his position, and therefore the Convention ought to ask him to do it; and, secondly, it is argued by gentlemen who take that ground that, unless this resolution is voted for, it is equivalent to a vote of censure on Gov. Gamble. As to the first, I am perfectly satisfied that Gov. Gamble will not withdraw his resignation; and therefore I shall not go through the empty ceremony of doing that which I know beforehand will be useless. In the second place, I greatly condemn that style of argument based on "personal" motives. I have before expressed my conviction of the utter impropriety of that style of argument upon this floor. I shall not fear, when there are sufficient reasons to justify, to censure the seeming injustice of any man; nor shall I, on a like occasion, withhold my praise. I am not here, however, to praise or censure any man; but I object to, and I shall certainly vote against, this side issue, which does not mean what it purports to be.

One gentleman has expressed, by something more than insinuation, that any one who votes against this resolution,—no matter what his professed reasons may be,—was, in an underhand manner, disparaging Gov. Gamble's administration. I deny it. I desire to say, from my knowledge of him, that I know no man so fitted to be Governor of Missouri as the Hon. H. R. Gamble. I am willing, from the sincerest conviction, to pay him the highest and warmest compliments for his unswerving loyalty, guided by an uncommon wisdom in his administration; but I am unwilling to give a vote that will be but an empty compliment, and I will not be drawn into side issues, and shall therefore vote *no*.

Mr. SAYRE. The gentleman from St. Louis has indulged in very positive remarks; but I presume it is only an opinion he expresses here. He does not think Gov. Gamble will withdraw his resignation; but I am of opinion he has no ground for saying anything of the kind. Gov. Gamble owes a duty to this Commonwealth; and, although he has tendered his resignation, I believe he would withdraw it if earnestly requested, in view of the troubles with which we are now threatened. I shall vote for the substitute.

Mr. HALL of Randolph. There is no one more ready to protect and vindicate the reputation of any officer of the State than I am; and the Lieut. Governor I esteem as highly as one brother can another, and would protect him, when necessary, with all zeal. I will state, however, if Willard P. Hall were now consulted, I know he would earnestly wish that we should adopt this resolution.

Mr. SOL SMITH. I suppose there is not a man in this Convention that has a higher estimation of Gov. Gamble than myself; but I am not in the habit of paying compliments; and as

I conceive this vote, if carried, would be nothing but an empty compliment, and as I know the Governor is not fond of that article, I vote *no*.

The PRESIDENT. It is well known to this body that I have been a member of this Convention from its commencement; that I concurred in the deposition of Jackson from office, and that I voted for Gov. Gamble and Lieut. Gov. Hall; and I have approved of their administration from the first to the last, in the main, on all the great principles on which they have been called to act from time to time. My constituents, however, have instructed me to go for an election, and if I give this vote I substantially say that I am opposed to an election, and thus disobey their instruction; because, if this amendment is adopted, there will probably be no election. It is with very great regret I give this vote, because it may be misconstrued; but I have undertaken to serve my constituents at this session of the Convention, and to lay aside personal feelings where it conflicts with my duty to my constituents. My individual opinion is that there ought to be no election at this time; but under the circumstances I have explained, I am compelled to vote *no*.

Upon the question of the adoption of Mr. Comingo's amendment, the ayes and noes were as follows:

AYES—Messrs. Allen, Bartlett, Bass, Bast, Breckinridge, Calhoun, Cayce, Comingo, Deal, Doniphan, Douglass, Drake of M., Dunn, Duvall, Frayser, Flood, Gantt, Gorin, Hall of R., Holmes, How, Howell, Jamison, Johnson, Long, Matson, McDowell, McFerran, Moss, Moxley, Norton, Phillips, Pipkin, Pomeroy, Prewitt, Ritchey, Ross, Rowland, Sayre, Shackelford of H., Shackelford of St. L., Sheeley, Vanbuskirk, Waller, Welch, Woodson, and Woolfolk—47.

NOES—Messrs. Baker, Birch, Bogy, Bridge, Bush, Drake of St. L., Eitzen, Foster, Gravelly, Hitchcock, Holt, Irwin, Isbell, Jackson, Leeper, Lindenbower, Linton, Marvin, McClurg, McCormack, McLean, Meyer, Morrow, Noell, Rankin, Ray, Schofield, Scott, Shanklin, Smith of L., Smith of St. L., Stewart, Walker and Mr. President—34.

The amendment was therefore adopted.

Mr. DRAKE. I move that the whole subject be laid upon the table.

Mr. VANBUSKIRK. If a vacancy does occur for Governor, I am in favor of an election by the people. In my judgment, it would be well for Governor Gamble to continue in office for the term for which he was appointed, that is, to November, 1864; and if he can be induced to exercise the functions of his office till that time, I am in favor of his doing so.

On the motion to lay the whole matter on the table, the vote resulted as follows:

AYES—Messrs. Allen, Baker, Bartlett, Bast, Bogy, Bush, Deal, Drake of St. L., Dunn, Eitzen, Hitchcock, Holt, Irwin, Isbell, Jackson, Leeper, Lindenbower, Linton, Marvin, McClurg, McLean, Meyer, Morrow, Noell, Rankin, Ray, Schofield, Scott, Shackelford of St. L., Smith of L., Smith of St. L., Stewart, and Walker—34.

NOES—Messrs. Bass, Birch, Breckinridge, Broadhead, Bridge, Calhoun, Cayce, Comingo, Doniphan, Douglass, Drake of M., Duvall, Frayser, Flood, Gantt, Gorin, Gravelly, Hall of R., How, Howell, Jamison, Johnson, Long, Matson, McCormack, McDowell, McFerran, Moss, Moxley, Norton, Phillips, Pipkin, Pomeroy, Prewitt, Ritchey, Ross, Rowland, Sayre, Shackelford of H., Shanklin, Sheeley, Vanbuskirk, Waller, Woodson, Woolfolk, and Mr. President—46.

Mr. GRAVELLY. I propose to amend the substitute by striking out "1864," and inserting "1863"

Mr. DRAKE. I call for the ayes and noes.

The vote on adopting the amendment resulted as follows: Ayes, 34; noes, 47.

The PRESIDENT. The question now is on the adoption of the substitute.

Mr. DRAKE. I call for the ayes and noes.

The vote on adopting the substitute resulted as follows: Ayes, 51; noes, 29.

Mr. VANBUSKIRK. I beg to offer an ordinance entitled "An ordinance to appropriate $14,000 to defray the expenses of the Convention." In reference to the amount, I desire to state that the appropriation made at the last Convention of $12,000, lacked about $1,500 of the amount needed to pay the members. I have spoken with several members, and it is thought that the appropriation asked for will be about the proper amount.

The ordinance was read a first time, when, the rule being suspended, it was read a second and third time and adopted.

Mr. Moss. I desire to offer the following resolution:

Resolved, That this Convention will pass no ordinance of Emancipation without first obtaining a pledge from the President of the United States that in the event of the passage of such an ordinance it shall be respected and carried out in good faith by

all Federal authorities in Missouri and elsewhere.

Mr. President, I offer this resolution in advance of any action of the Convention upon the report of the Committee on Emancipation, for the reason that the object to be attained by said resolution is preliminary to any action upon that subject. I feel that, under ordinary circumstances, it would be considered as unbecoming the representatives of a free people in a sovereign State, assembled for the purpose of determining great questions of State policy, to be asking for a guarantee from the President of the Federal Government to insure a respectful observance of the action of the State by the Federal authorities. Yet, Mr. President, such is the condition of affairs brought about by this revolution, that without the full and faithful co-operation of Federal and State authorities in the effort to carry out the work of this Convention for any system of gradual emancipation, the whole affair will prove a disgraceful farce, a practical nullity; and, sir, since the President has felt it to be his duty not only to recommend, but to urge this question of emancipation upon the people of Missouri, it is highly proper that he should, in an authoritative form, give them an assurance that any ordinance of gradual emancipation shall be faithfully carried out by the Federal authorities. I am not an emancipationist; and among my constituents there are but few, if any, emancipationists. In regard to the theory of emancipation without compensation, whether it be immediate or gradual, the principle is the same. It is wrong, and can only be defended upon the ground of necessity; and this argument is now used by the friends of the gradual system to induce men representing slave owners to come to its support. We are told that we will by this means restore peace to the State, and give permanency to the institution of slavery during the limited period fixed by the ordinance of emancipation. If this be true, Mr. President, it would be something saved from the general wreck which must inevitably be made of the institution of slavery in Missouri, if the destroyers who are now making war upon it are to be left unrestrained in their work of destruction; and whilst I believe, with my constituents, that the proper *status* of the negro, when he comes in contact with the white man, is slavery, and that any system of emancipation without full compensation is wrong, and nothing short of robbery, yet, firmly impressed with the belief that the institution will be utterly overthrown without some change in the administration of affairs in Missouri, I should like to see some plan suggested which would give security to slave property even for the limited period of thirteen years, the time recommended by the report of the committee. But, sir, I must be pardoned by the advocates of emancipation for insisting upon having the whole programme fully understood and agreed upon before I can think about giving my support to the measure.

Let us analyze this matter—go into the details—and see what difficulties are to be surmounted. In the first place, if an ordinance of gradual emancipation is passed, are we to have the active, affirmative aid of the Federal soldiery in defending and protecting our rights to slave property? The object and purpose of an army is to give protection to the persons and the property of the citizens. Now, when a slave runs away from his master, and takes refuge in the camp of the Federal army, is he to be enlisted as a soldier, or returned to his master? In other words, is the entire Federal programme to be altered in Missouri? Are the Provost Marshals, and straggling soldiers, passing through the country, to be permitted to pass upon the loyalty of the slaveholder, and rob him of his slave property, if they decide him to be disloyal? Or, are we to have these questions settled by regular trial before a legal tribunal? We are told by the friends of the measure that the slaveholder will be permitted to remove his property from this State, and dispose of it. That, sir, will be a great change in the programme, as I can state of my own personal knowledge. I had occasion, some weeks since, during the administration of Marshal Dick, to apply for permission for a loyal friend to take his slaves from Missouri to the State of Kentucky. After the evidence of loyalty had been introduced, and the Assistant Provost Marshal had heard the statements of the owner and other gentlemen present in regard to the willingness of the slaves to go with their master, the owner was informed that the testimony was not sufficient, and that the Provost Marshal must have an interview with the negroes. I did not see the permit, or pass, made out; but if one was given, from what I heard and saw, I presume it was a written permission for the negro to take his master to Kentucky. The impression made upon my mind in regard to the policy of the late military government in Missouri, on the negro, was that the fortunes of that individual were in the ascendant; that,

in the great game of chance going on between him and his master, the negro was holding all the face cards, and would soon show out by honors. I am told that there has been a change under the new dynasty, and that the honors are now easy. It is true that a few irregularities are still practised, such as permitting the slaves of loyal owners to enlist in the army, &c.; but the friends of gradual emancipation insist that if their programme shall be adopted all this will stop, and we will have perfect control and possession of our slaves for the period fixed; and that a gentleman will actually be permitted to order his boy Sam to black his boots, without first inquiring whether it will be convenient for him to do so. But, sir, my two radical friends from St. Louis (Judge Breckinridge and Mr. Drake) take a very different view of this question; and Mr. Drake especially notifies us that he intends to make uncompromising warfare on slavery until it shall be destroyed, root and branch; and further gives us the information that this Convention was not called to deliberate upon the expediency of emancipation, but to make war on slavery. If such is the fact, I would like to know it. Gov. Gamble called the Convention. He and his friends are the advocates of gradual emancipation; but if they are in league with Mr. Drake and his friends, and if this gradual emancipation scheme is but part and parcel of the grand programme of operations for the immediate and utter annihilation of slavery, I should like to know it. But perhaps my friends Breckinridge and Drake are not authorized to speak authoritatively on this question. I see from the papers that they are announced as having, politically speaking, departed this life; and as I have a superstitious awe of ghosts, I will not attempt to raise the dead by any further interrogatories; but if I should desire to have further counsel with them, I will get friend Bush, through the medium of spiritual influence, to resurrect their political shades.

Mr. President, I have been urged to support this emancipation movement as a Union and peace measure. I, sir, am a Union man, believing that its preservation or restoration cannot be purchased too dearly. No sacrifice within the bounds of honor and reason can be demanded of me that I will not grant to procure that end. But, sir, I do not believe the destruction of slavery to be necessary to that end; but, on the contrary, that a continued warfare upon the institution will procrastinate, and, I fear, defeat the possibility of accomplishing the desired end. But, sir, while these are my views, and whilst I differ widely with those who are now administering the affairs of this Government in regard to matters of civil and military policy, yet I do not expect to desert the Government and become a traitor to my country. No mal-administration on the part of public officers can drive me to this. I will bide my time, in the hope of rescuing the Government from their control at the ballot-box. And, sir, I will state, whilst on the subject of Union and peace measures, that a vigorous prosecution of the war, with one million and a half of soldiers in the field, accompanied with offers of protection to Southern institutions, with a full restoration to the citizen of all his rights of property and person, will accomplish more than all your acts of emancipation, and will finally end in a a restoration of the Union.

In conclusion, Mr. President, I will just say to the friends of gradual emancipation, if they have a proposition which has any merit in it, and the President of the United States will give vitality to it by his pledge to see it carried out by those under his control, we who represent slaveholders can go home and try and reconcile them to their fate. This pledge of the President must come officially and publicly. He has thought it to be his duty, in an official address, to urge emancipation upon our people; and it is just and right that we should know what aid we are to expect from him in the effort to preserve and maintain our right to slave property during the limited period at the expiration of which we are to part with it forever.

Mr. BROADHEAD. If the gentleman seriously desires the President of the United States to pledge himself to any definite course of action in connection with the state of affairs in Missouri, then he has taken the very course to prevent it. I can assure the gentleman from Clay, that when he orders Sam to black his boots, and he don't do it, the military will scarcely force Sam to perform the job. I move to lay the resolution on the table.

Mr. HALL of R. Will the gentleman withdraw his motion, or move to refer the matter to a committee of five?

Mr. BROADHEAD. I cannot withdraw it for that purpose. The question is that unless certain pledges are made, certain gentlemen will not vote for gradual emancipation. I think such a course is not proper.

Mr. DRAKE. I call for the ayes and noes.

The result was—ayes, 43; noes, 29.

On motion of Mr. HALL of R., a committee

consisting of Messrs. Hall, Allen, and Shanklin, were appointed to wait upon the Governor and inform him of the passage of the resolution inviting him to withdraw his resignation.

[Mr. GANTT offered here "An ordinance on the subject of the election of Judges of the Supreme Court," accompanying it with some remarks, but the MSS. failed to reach the printer in time for insertion.]

Mr. SAYRE. I wish to give notice of an ordinance I propose to introduce to-morrow, entitled "An ordinance appropriating $50,000 for the relief of the sick and wounded soldiers of Missouri."

Mr. BRECKINRIDGE called the attention of the Convention to the request of the Secretary of the Methodist Sunday School, for the use of the Hall for the purpose of a concert and exhibition, which, after a few words of explanation, was put to a vote and carried.

On motion of Mr. BRECKINRIDGE, the Convention adjourned to Wednesday, at 9 o'clock A. M.

NINTH DAY.

JEFFERSON CITY,
Wednesday, June 24, 1863.

Convention met at 9 o'clock.

President in the chair.

Prayer by the Chaplain.

On motion of Mr. BOGY, the reading of the journal was dispensed with.

Mr. STEWART presented a resolution to the effect that the Convention do adjourn without day, but, on leave, withdrew it.

Mr. WELCH presented a petition from the loyal citizens of Johnson county, asking the Convention to reinstate Gov. Gamble until the regular election of 1864, or until such time as a fair election could be held throughout the State.

Mr. BOGY presented a petition from citizens of St. François county, asking the Convention to provide by ordinance for payment of the enrolling officers of the State, no provision having been made by the Legislature.

On motion of Mr. BOGY, the petition was referred to a Select Committee, consisting of Messrs. Bogy, Smith of St. L., and Scott.

On motion of Mr. SCOTT, the regular order was suspended, and leave given to present the report of the committee appointed to take into consideration the case of James Proctor Knott, as follows:

"The committee appointed to take into consideration the resolution offered respecting the vacating of the seat of the Hon. James Proctor Knott, Delegate to this body from the 27th Senatorial District, respectfully report—

"That it appears to be true, without any doubt or contradiction, that the Hon. James Proctor Knott attended the meeting of this body held in July, 1861, and has attended no other held since that time; that two sessions of this Convention have been held in that interval; that due notice was given of each session, and that Mr. Knott was not charged with any public duties which could furnish an excuse for his absence; that he was in Missouri in October, 1861; that shortly thereafter he removed to Kentucky with his family, avowing his purpose to return to Missouri when peace should be restored, but not before.

"Your committee are of opinion that such conduct is a virtual abdication on the part of Mr. Knott of his duties as a Delegate to this Convention, and that his seat ought to be declared vacant, and report back the resolution recommending its adoption."

Mr. STEWART. I agree with the sentiment of the resolution, that Mr. Knott's seat should be declared vacant. Mr. Knott was a man of genius and ability, and the highest offices of the State might have been open to him.

The report was agreed to, and the resolution adopted.

Mr. SMITH of Linn presented an ordinance entitled "An ordinance establishing the County of Lyon," which, on his motion, was referred to a Select Committee, consisting of Messrs. Smith of Linn, Marvin, and Rowland.

Mr. DONIPHAN offered the following reamble and resolution on the subject of the school funds of the State:

"WHEREAS the moneys belonging to the cause of public education were taken under the direction of the late Claiborne F. Jackson for the purpose of arming such portions of this State as he could induce to join in the rebellion, for the sole reason and with the desire that Missouri should be recreant and join the so-called Southern Confederacy; and whereas the cause of education of the young is all-important, and as ignorance of the laws is no excuse for crime under them; therefore,

"*Resolved*, That it is the duty of the State to return to the General Superintendent of Public Schools the moneys so taken as speedily as possible, and with this view only we recommend that the next Legislature pass the necessary laws for this purpose."

The resolution was passed over informally.

The special order for this morning, namely, the report of the Committee on Emancipation, was here ordered to be taken up.

Mr. SOL. SMITH. I beg to offer an amendment. I move to strike out "1876," and insert "1870."

I came here to assist in passing an act of emancipation, but I grant it cannot be done without the manifestation of a spirit of compromise. Some gentlemen here have fixed their minds on 1876, others on 1864. I take the medium between those dates. Unless we can agree upon a date, we cannot agree upon anything. It is with a view of ascertaining the sense of the Convention, in respect to the possible date at which emancipation can be consummated, that I introduce the motion at this time; and I deem it eminently proper to have an expression of the Convention on the subject.

Mr. DRAKE. Would it be in order, Mr. President, to offer to amend that by striking out "1870," and inserting the "first of January, 1864"?

The PRESIDENT. I think not, sir.

Mr. SOL. SMITH. Would it not be better to ascertain the sense of the Convention, by taking a vote on the earlier period named, and let other dates be voted on afterwards?

The PRESIDENT. The gentleman from St. Louis may reach his object by offering to amend the amendment.

Mr. DRAKE. Not exactly. I do not think it will do any harm to allow the earlier dates to be passed upon first. I ask my colleague to withdraw his motion temporarily, in order that we may try an earlier date.

Mr. SOL. SMITH. If an ordinance of emancipation is to be passed at all, I believe we shall come, eventually, to the date I have named. I think if the vote were taken now, we might, in a spirit of compromise, agree on this date. I go in for giving and taking, and so I have been advised to do by other gentlemen in whose judgment I have great confidence, who, I know, have this object at heart as much as I have. I will not, however, stand in the way of my friend and colleague from St. Louis; at the same time I must say, without intending anything personal or offensive, that there are radicals here who seem determined not to give their assent to any date I call reasonable. Now, I want it understood that if I consent to withdraw my amendment temporarily, for the purpose of allowing an earlier date to be introduced, I do it in the spirit of compromise, and that the work we have set for ourselves may be accomplished without unnecessary delay, and with the understanding that I shall vote against all dates that are offered until we come to that which I can conscientiously adopt.

Motion withdrawn.

Mr. DRAKE. I propose to amend the second section of the report of the Committee on Emancipation, by striking out "1876," and inserting the "1st of January, 1864."

I desire to state to the Convention that it is not my purpose, after receiving such courteous and patient attention on the morning of the second day of the Convention, upon the general aspects of this question of emancipation, to trespass upon their time now with a repetition of my views.

I offer that amendment, sir, I confess, with little anticipation of its being adopted, after what I have seen and heard; but I wish that every stage and step of this great transaction should be recorded, that it may be known who it is here that desires to bring this matter to an end at the earliest possible moment, and who it is that labors to prevent it. I will simply repeat, sir, my conviction of the infinite importance to the people of Missouri, in the present and the future, of adopting an ordinance of emancipation in this State at the ear-

liest practicable moment. I submit the amendment to the Convention, and desire, sir, when a vote is taken upon it, that the ayes and noes may be recorded.

Mr. BIRCH. To a correct appreciation of the reasons upon which I shall continue to oppose the adoption of any measure which shall divest the people of their slave property without their "consent" or without paying them therefor the fair and full "equivalent" which is guaranteed in the Constitution, it will be sufficient to inquire, firstly, what it *is* that has been handed down to us by our ancestors or purchased with our toil? And, secondly, have we so misdemeaned ourselves that we should be driven into other lands if we would continue to enjoy it? I am of course aware how irksome and ineffective all argument may become to those who would destroy whatever is assumed to stand in the way of political *combinations* which look to the fruitions of political *ambition;* but upon the eve of a decision which I no longer expect to change, it may at least be pardonable to recur to the fundamental considerations upon which I shall rely to justify the record of all my votes. I shall do this in no factious spirit—with no expectation, as already denoted, of averting the "doom" which it has become fashionable to concur in with respect to an institution which we were elected to "*protect*"—but in the hope which now alone remains to me, and which is, that so far as it may depend upon our action here, it shall be at last *decently* entombed for the sake of what it *has* been, instead of being *falsely* epitaphed for what it has *not* been.

Arraigned here in debate as "the great criminal which has caused the rebellion," and which should therefore be consigned to "immediate execution," if I shall be able to demonstrate that this count in the anti-slavery indictment is the very *reverse* of truth, the extinction of the institution must needs be predicated upon other grounds than those of "immediate *necessity*. My argument will consequently be "in order" upon the pending amendment, and my references will be appropriate to my argument. I proceed, therefore, to reply to my first inquiry in the light of the Constitutions we have all sworn to support, reading, for that purpose, from the first article of the ninth section of the Constitution of the United States, as follows:

Sec. 9.—Art. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed upon such importation not exceeding ten dollars for each person.

It is thus seen, that whatever difference of opinion may have existed amongst "the fathers," it was finally and formally agreed that during the succeeding twenty years (from 1787 to 1808,) the States should retain the right to supply themselves as they had previously done—paying a tax or duty (should Congress enact one) upon such importations as were necessary to supply the institution of slavery, just as they might have to pay upon the property deemed necessary for *other* institutions, or (if you please) coming into *competition* with other institutions. It is of course sufficient to add, that out of the "persons" thus and previously imported, has grown the present population of more than four million of slaves; and that whatever of immorality or of wrong may be alleged against the *origin* of the institution, the framers of the Constitution were either unable to perceive it, or regarded its *abolition* as involving a greater injury than its *conservation*. For the *sake* of "the Union," therefore, they may be said to have compromised with it upon such terms as to expand it to its present dimensions; and that in this State, in order to render it *secure* against such temporary ebullitions of popular clamor as might otherwise be brought to bear upon it, it was *constitutionally* guaranteed, as follows:

Sec. 26.—Art. 2. The General Assembly shall have no power to pass laws,

First, For the emancipation of slaves, without the consent of their owners, or without paying them, before such emancipation, a full equivalent for such slaves so emancipated; and

Second, To prevent *bona fide* emigrants to this State, or actual settlers therein, from bringing from any of the United States, or from any of their Territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of the State.

If I have comprehended aright the postulate involved in the remarks of the distinguished delegate from St. Louis, (Mr. Breckinridge,) it was that the patriotism of the slave owners themselves must be relied upon to bear the losses incident to emancipation, as well in view of the necessity which existed for putting down the institution as an abettor of the *rebellion*, as because it would so greatly augment the *revenues* of the State to have it at once

"*free.*" Now, I suppose, sir, that the very *reverse* of this was the theory of our fathers who *made* the Constitution, which we propose to disregard. I suppose it was intended by them to at least so far *guaranty* the institution of domestic slavery to those who then were, and to all who might thereby be induced to become, slave farmers, (as many of us are,) as that we should *never* be divested of such property, until it came to be seen that a change to the exclusive "*free* labor" system would sufficiently promote the tax-paying capacity and prosperity of the State, to render it able and *willing* to pay a "full equivalent for the slaves so emancipated." So much, Mr. President, for the difference between us in respect to the constitutional guaranties under which slave owners have helped to erect the Capitol in which we are now assembled, to deliberate upon its *uncompensated* annihilation! Upon this question, however, as well as upon the *inhibitions and guaranties of the organic act under which we were elected*, (Secs. 5 & 10,) it is perhaps sufficient to add that there will still remain to us the final recourse of the courts—and I hence pass on.

So far, sir, as I have authority to speak for the class of citizens thus alluded to, their patriotism has been in no sense overrated. Were the mere money value of their interest in slave property demanded of them, with the reasonable assurance that it would be sufficient to restore "the Union as it was," I undertake to affirm that there is no class of citizens in the State who would more promptly essay their utmost to respond to the requisition. It is far otherwise, however, when placed upon the ground it has been, in the arraignment of the institution as a *criminal;* and as that is the only point of view in which we can here consistently take cognizance of it, I shall proceed to *repel* the calumny of its outlawry, and leave the record of our votes to stand as mementoes, respectively, of our justice or our injustice. If, in the language of the no less distinguished delegate from St. Louis, (Mr. Drake,) it has been "the *cause*" of the desolation which yet so deeply and despondently afflicts the country, it *ought* to die; but if, on the contrary, the war owes not only its origin, but its continuance, to influences the exact *reverse*—to *anti*-slavery, instead of "slavery"—so should the *judgment* which we are called to pronounce be the exact reverse of that which it most probably will be. To the testimony, therefore, which will consist mainly in the reproduction of the historical authorities or reminiscences with which I felt constrained to confront the same assumption, when originally put forth in the celebrated lecture of the same gentleman, more than a year ago.

It will be unnecessary, however, as replying to anything which has been reiterated by that gentleman, or by others here, to go further backward in the political history alluded to than the celebrated "Wilmot Proviso"—that having been the germ of which the subsequent political platforms at Philadelphia and Chicago were but natural culminations—furnishing at least the main element of that *inadequate* reason for the present rebellion, in which we all concurred at our first session. What *was* that "Wilmot Proviso?" And what were the subsequent platforms by which it was set up as the very *gospel* of the dominant party in the dominant section of the Union? Our armies had conquered from Mexico an empire of territory on the Pacific—the Southern States and people, having furnished (as usual) more than their fair proportion of the blood and the treasure expended in its acquisition. Even South Carolina, now so earnestly and uncompromisingly in rebellion, had furnished a regiment from Charleston, of the gallantry of which it is sufficient to repeat, that having gone into the contest upwards of 600 strong, it came out of it with less than 200—its daring and intrepid leader having been numbered among the slain. Would you *not think*, Mr. President, that the widows and orphans of such a regiment should have had perpetuated to them the "old time" right to carry *their* property, and locate *their* land warrants, upon the territory thus watered with the blood of their husbands and their sires—or was it *right*, as early as the year 1849, to attempt by this "Proviso" to *prohibit* the slave-holding section of the Union from expanding with *its* industrial system to such portions of the common domain as might fall to its share or be suitable to its necessities? As that question is answered, sir, so must the question which involves the *true* cause of the rebellion be answered; for had it not been that this great injustice was again menaced in the Philadelphia platform of 1856, and still more in the election of the Chicago nominee, in 1860, the Southern leaders could *not* have "fired the Southern heart," even into *incipient* rebellion. Sir, it was against the injustice thus originally menaced by this "Proviso," which passed one house of Congress as early as the session of 1849, that in an address which I had the honor

to deliver, upon invitation, before the two houses of the General Assembly on the 8th of January of that year, I premonished those who then listened to me from the stand you now occupy, that, "in the fatal cycle of human passions thus aroused, wrong would be answered but *by* wrong until at last, having realized that *bellum plusquam civile*—that *worse* than civil war, in which a man's worst foes might become those of his own household—this fair fabric of American self-government, hewn out and reared amid the commingled blood and tears of millions, and grown up to be the wonder and the admiration of all the earth, would obey what would *then* be written as "a common destiny."

Drawing from a printed copy of the speech which, well nigh a year ago, I delivered upon the same subject, it may be repeated with commingled sensations of despondency and of gratitude that that cup was permitted to pass. The statesmen and patriots of that day averted the portentous gathering of those calamities; but when their sun was set, and from that period to the present, either every man knows for himself, or every man's *father* knows, what has been the conduct of the more prominent *anti*-slavery partisans, who were then *foiled*, but not silenced. Observe, I do *not* say "the North"—of the great body of whom I shall continue to speak in the spirit of a congenial brotherhood—but I put the question to the *sectionalists* of the North, to the men who are now falsely charging that "*slavery*" has been the cause of the present rebellion—and demand to know of *them*, through their friends upon this floor or elsewhere, what has been the line of *their* conduct, even *up to the present hour?* I am not, of course, about to argue that the South had "*adequate* cause" for doing what it did. Before all my people I have argued that they had not, and I so voted with eighty-nine of the original members of this Convention at our first session. We, nevertheless, conceded in our report and resolutions that they had *some* cause, and that that was *anti*-slavery and *not* "slavery," which we *then* assumed to be a "constitutional *right*," unjustly aggressed upon. As the issue, thus fairly stated, between the original members of this Convention and those who have so imperiously assumed the opposite position, is *my* issue here to-day, may I not bespeak your patience and indulgence, should I seem a little tedious in again collating the *testimony* in the case? I shall act upon that presumption.

I have not before me the "personal liberty bills" of such Northern States as attempted thereby to defeat the reclamation of our slaves under the "Fugitive Slave Law," but as the gentleman from St. Louis himself admitted in a correspondence with the gentleman from Randolph, that at least four of them had passed *very* unjust laws in that respect, it is respectfully submitted that that was at least four too *many*, especially for a gentleman who now says that "slavery" (and not *anti*-slavery) was the cause of maddening the people into rebellion. Observe: The possession and reclamation of slave property was and is a constitutional *right;* and the South had a right to complain, as she *did* complain, of the exasperating injustice thus briefly alluded to. Let it be conceded and repeated, therefore, that whilst neither these nor the additional indignities and exasperations to which I shall allude in continuation, constituted either an "adequate cause" or a sufficient justification for *rebellion*, it was nevertheless the *insufficient* cause, and the *only* cause, so far as the negro was the cause at all. I but obey, therefore, the instincts of a Southern manhood, (as it should be of all other manhood) when I pronounce the new dogma to be UNTRUE, and proceed to PROVE it so.

The first witness I shall summon for this purpose is Joshua R. Giddings, long a member of Congress from Ohio, and now a Consular Representative of the Government abroad. In the course of his speech in the House of Representatives in May, 1854, he had the exasperating audacity to denote to the white people of the South the hopes he entertained of their extermination by the knife and the torch of their *slaves*—led by *whom?* Listen:

"I look forward to the day when there shall be a servile insurrection in the South, when the black man, with British bayonets, and commanded by British officers, will rage a war of extermination against the white man; when the master shall see his dwelling in flames, and his hearth-stone polluted; and though I may not mock at their calamity, nor laugh when their fear cometh, yet shall I hail it as the dawn of a political millenium."

What had the South then done to provoke so demon-like a menace from the leader of the anti-slavery fanatics of the North? Had she asked for anything then but to be "let alone"—leaving her citizens, with *their* property, to the same chances in the common territories that was accorded to the people and the property

of the North. My St. Louis friend is respectfully defied to make anything more out of "slavery" during this period than that some representative of the South may have so far forgotten his true dignity, under the promptings of an irrepressible indignation, as to have unwisely said something *back* to Giddings, which (like the chastisement of Sumner by Brooks) may now be so used as to give a *seeming* color to the otherwise *wholly* unsupported allegation that "slavery" was the cause of the rebellion.

The next evidence I shall adduce is the anti-slavery platform of the Republican Convention at Philadelphia, which for the first time in our history nominated both the Presidential and Vice Presidential candidates (Fremont and Dayton,) from the non-slave States, and who, on the 18th of June, 1856,

"*Resolved*, That the Constitution confers upon Congress *sovereign* power over the Territories of the United States, for their government; and that, in the exercise of the power, it is both the right and duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery."

It need scarcely be added that the Chicago Platform was, if possible, still more *emphatically* sectional; and that its nominee (the present national Executive) had publicly assumed, in his opening speech at Springfield, when accepting the Senatorial nomination the year before, that the Union could *not* continue part slave and part free, but must ultimately become all one or all the other. But, to recur to the period of the first Republican Convention in Philadelphia, as denoting the concurrence of the party in the doctrine of the "irrepressible conflict"—now unhappily undergoing the test of realization in this capitol, as well as elsewhere. In that Convention the present Republican Chairman of the Military Committee of the Senate said:

"I tell you here to-night, that the agitation of this question of human slavery will continue while the foot of a slave presses the soil of the American Republic."

Gen. James Watson Webb (now a foreign Minister,) remarked:

"On the action of this Convention depends the fate of the country; if the Republicans fail at the ballot-box, we will be forced to drive back the slaveocracy with fire and sword."

Rufus P. Spaulding spoke as follows:

"In case of the alternative being presented, of the continuance of slavery or a dissolution of the Union, I am for dissolution, and I care not how quick it comes."

Hon. Erastus Hopkins said:

"If peaceful means fail us, and we are driven to the last extremity, where ballots are useless, then we'll make bullets effective."

Similar sentiments were expressed by a large majority of the Convention, and, like their sectional resolutions, were responded to with "tremendous applause," and the sectional fires ignited in that Convention rapidly increased, and spread over all the Northern States.

Benjamin F. Wade, Senator from Ohio, in a speech delivered in that canvass, said—

"That there was but one issue before the people, and that was the question of American slavery. He said the Whig party is not only dead, but stinks. It shows signs occasionally of convulsive spasms, as is sometimes exhibited in the dead snake's tail, after the head and body have been burned. There is really no union now between the North and South, and he believed no two nations upon the earth entertain feelings of more bitter rancor towards each other than these two nations of the Republic. The only salvation of the Union, therefore, was to be found in divesting it entirely from all taint of slavery."

Nathaniel P. Banks, then Speaker of the House of Representatives, (now wearing the double stars of a Major General in Louisiana,) spoke as follows:

"Although I am not one of that class of men who cry for the perpetuation of the Union; though I am willing, in a certain state of circumstances, to let it 'slide,' I have no fear for its perpetuation."

Coming next to the canvass of 1860, I read, firstly, from the speech of the Hon. Anson Burlingame, then a member of the House of Representatives, and now a foreign Minister, as follows:

"If asked to state specifically what we would do, he would answer: First, repeal the Nebraska bill; second, repeal the Fugitive Slave law; third, abolish slavery in the District of Columbia; fourth, abolish the inter-slave trade; next, he would declare that slavery should not spread to one inch of the territory of the Union; he would then put the Government actually and perpetually on the side of freedom." * * * "He would have judges who believe in a higher-law, and an anti-slavery Constitution, and an anti-slavery Bible and an anti-slavery God."

As late as the 5th of April, 1860, Mr. Lovejoy, of Illinois, the same who was subsequently

an aid to Fremont, during his "hundred days" of folly and crime in Missouri, paid his compliments to us thus:

"Sir, than robbery, than piracy, than polygamy, slaveholding is worse—more criminal, more injurious to man, and consequently more offensive to God.

"Slaveholding has been justly designated as the sum of all villainy. Put every crime perpetrated among men into a moral crucible, and dissolve and combine them all, and the *resultant analgam* is slaveholding. It has the violence of robbery"—

"A Member. You are joking."

"Mr. Lovejoy. No, sir; I am speaking in dead earnest, before God, God's own truth. It has the violence of robbery, the blood and cruelty of piracy; it has the offensive and brutal lusts of polygamy, all combined and concentrated in itself, with aggravations that neither one of these crimes ever knew or dreamed of."

Mr. Fogg, the New Hampshire editor, who has also been rewarded with a foreign mission, delivered *his* views, through his paper, as follows:

"The cure for slavery prescribed by Redpath is the only infallible remedy, and men must foment insurrection among the slaves in order to cure the evil. It can never be done by concessions and compromises. It is a great evil, and must be extinguished by still greater ones. It is positive and imperious in its approaches, and must be overcome by equally positive forces. You must commit an assault to arrest a burglar, and slavery is not arrested without a violation of law and the cry of fire."

Senator Sumner "eased his conscience" by promising to *disobey* the Fugitive Slave Law—thus:

"The good citizen, as he reads the requirements of this act, is filled with horror." * * * "Here, the path of duty is clear. I am bound to disobey this act. * * * "Sir, I will not dishonor this home of the Pilgrims and of the Revolution, by admitting—nay, I cannot believe—that this bill will be executed here."

This was in a night speech at Boston, where his colleague, Wilson, chimed in as follows:

"We shall arrest the extension of slavery, and rescue the Government from the grasp of slave power. We shall blot out slavery in the national capital. We shall surround the slave States with a cordon of free States. We shall then appeal to the hearts and consciences of men, and in a few years, notwithstanding the immense interests combined in the cause of oppression, we shall give liberty to the millions in bondage."

The venerable Josiah Quincy, (the same, I believe, who moved the resolution in the Massachusetts Legislature that it was "unbecoming a moral and religious people to exult over our victories" during our last war with England,) thus proposed to ease *his* conscience:

"The obligation incumbent on the free States to deliver up fugitive slaves is that burden, and it must be obliterated from the Constitution at *every hazard*."

The Hon. Horace Mann, of the same "Massachusetts school" to which Mr. Seward avowed his fealty, in one of his electioneering speeches in that State, thus *invoked* the alternative of disunion rather than to permit the slaveholder to go, with his property, even to the territory he had helped to win with his sword:

"I have only to add, under a full sense of my responsibility to my country and my God, I deliberately say, better disunion, better civil or servile war, better anything that God in His providence shall send, than an extension of the bounds of slavery."

On the 26th of March, 1860, the following resolution (by Mr. Blake) was actually *voted* for by sixty Republican members of Congress, several others *dodging* the vote:

"*Resolved*, That the Committee on the Judiciary be, and the same are hereby, instructed to inquire into the expediency of reporting a bill giving freedom to every human being, and interdicting slavery wherever Congress has the constitutional power to legislate on the subject."

In the main, these sixty were the same set who endorsed the infamous book of Helper, from which I read the following as a sample of the whole:

"The slaveholding oligarchy say we cannot abolish slavery without infringing on the right of property. Again we tell them that we do not recognize property in man.

"For the services of the blacks from the 20th of August, 1612, up to the 4th of July, 1860, an interval of precisely two hundred and forty-eight years, ten months and fourteen days, their masters, if unwilling, ought, in our judgment, to be compelled to grant them their freedom, and to pay each one of them at least sixty dollars cash in hand."

What next? Mr. Conckling, of New York, the same, I believe, who spoke and voted against the resolution of one of the members from this State, to even *inquire* into the rob-

beries and other vandalisms of Lane and Jennison on the south side of the Missouri, thus menaced us with such a reorganization of the Supreme Court as to deprive us of the "*sheltering*" of even *that* august tribunal. Hear him:

"A reorganization and reinvigoration of the Court, with just regard to commercial and political considerations, is one of the auspicious promises of Republican ascendancy. * * *

"With this reform accomplished, the vampire of slavery, now flitting among the shadows of a sheltering tribunal, will spread its wings once more over that hospitable domain where its ministrations are considered essential to the full development of 'the highest type of white civilization.'"

In the Senate, Mr. Wilson, of Massachusetts, was no less insulting and specific, saying:

"We shall change the Supreme Court of the United States, and place men in that Court *who believe, with its pure and immaculate* Chief Justice, John Jay, that our prayers will be impious to Heaven while we sustain and support human slavery."

Wendell Phillips, who was egged by the Democracy of Cincinnati last year, for the brazen avowal that *he* had been an anti-slavery disunionist for twenty years, spoke briefly, but to the point, as follows:

"We confess that we *intend* to trample under foot the Constitution of this country."

Speaking mainly for the purpose of grouping together a summary of the record by which the institution of slavery was so menaced as to but naturally create the demand for such guaranties as would *avert* the destruction thus undisguisedly confronting it, *failing to procure which, disunion was known to be inevitable*, a few extracts from the Rochester speech of the subtle, yet chaste and stately Seward, will close these readings, irksome under any other circumstances than the present, and which I would gladly have never revived, had not the course of the same party devolved upon me the *necessity* of thus reverting to the *past*, in order to disprove the specious misrepresentation upon which they hope to make proselytes in the present and to *fix the future*. Senator Seward spoke thus:

"Our country is a theatre, which exhibits in full operation two radically different political systems—the one resting on the basis of servile or slave labor, the other on the basis of voluntary labor of freemen.

"The two systems are at once perceived to be incongruous. Both never have permanently existed together in one country, and they never can. * * * * * * * *

"Hitherto the two systems have existed in the different States, side by side with the American Union. This has happened because the Union is a confederation of States. But in another aspect, the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended network of railroad and other avenues, and an internal commerce, which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus these two antagonistic systems are continually coming into closer contact, and collision ensues.

"Shall I tell what this collision means? It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must, and will, sooner or later, become entirely a slaveholding nation, or entirely a free labor nation. Either the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana, will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to the slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men."

This was spoken at Rochester, pending the canvass for the Presidential nomination, and although out-generaled at Chicago by Mr. Lincoln, who had previously taken the same ground in his speech at Springfield, many *believed* that the "irrepressible conflict" was upon them, and were so maddened to despair and to blindness as to combine to *fight* it out instead of *vote* it out. Does all this look like "*slavery*" had been the cause of the rebellion —or *anti-slavery*? To those who may be disposed to argue that Mr. Seward had not spoken with sufficient sectional *directness* at Rochester to furnish a text upon which the demagogues and disunionists of the South could successfully preach *rebellion*, I present a single additional extract from his Senate speech directly afterwards. Having heard that speech, I have not wondered that it and others like it so maddened men as good as I was, that they would no longer *reason*, for at one time my *own* reason was well nigh overwhelmed with a desponding

indignation. Mr. Seward vaunted the advent of his party to *supreme* dominion, notwithstanding all "*constitutional checks*" to the contrary, in these words:

"A free Republican Government like this, notwithstanding all its constitutional checks, cannot long resist and counteract the progress of society.

"Free labor has at last apprehended its rights and its destiny, and is organizing itself to assume the government of the Republic. It will henceforth meet you boldly and resolutely here (Washington); it will meet you everywhere, in the Territories and out of them, wherever you may go to extend slavery. It has driven you back in California and in Kansas; it will invade you soon in Delaware, Maryland, Virginia, Missouri and Texas. It will meet you in Arizona, in Central America, and even in Cuba."

Need it be added, Mr. President, that all this and a thousand fold more, was so caught up and amplified by kindred agitators, and even those who were *not* "willing" agitators at the South, as to have but *naturally* "fired the southern heart" into a combined demand for such adjustments and guarantees as at our first session we *all* concurred they were entitled to, and without which I did not then believe—nor do I now believe—the Union can *possibly* be restored? As this is not only undenied, but *provable by our own record*, it is but necessary, in order to complete the demonstration that this was *not* a "slaveholders' war," but the exact *reverse*, that I appeal, in conclusion, to the testimony of the illustrious Douglas—("O! FOR AN HOUR OF DUNDEE!")—who, face to face with his Republican colleagues of the Committee, bore public testimony that the representatives of the "slaveholding" interest were ready *again* to bow to compromise, and thus *avert* the war; and public accusation, neither then or since denied, that "the *only* difficulty in the way of an amicable adjustment was with the Republican party." When offering his own proposition of compromise, Senator Douglas spoke thus:

"I believe this to be a fair basis of amicable adjustment. If you of the Republican side are not willing to accept this, nor the proposition of the Senator from Kentucky, (Mr. Crittenden,) PRAY TELL US WHAT YOU ARE WILLING TO DO?

"*I address this inquiry to the Republicans only, for the reason that in the Committee of Thirteen, a few days ago, every member from the South, including those from the Cotton States,* (Messrs. Toombs and Davis,) *expressed their readiness to accept the proposition of my venerable friend from Kentucky,* (Mr. Crittenden,) *as a final settlement of the controversy, if intended and sustained by the Republican members.*

"*Hence the sole responsibility of our disagreement, and the only difficulty in the way of an amicable adjustment, is with the Republican party.*"

Is it not thus established, Mr. President, that it was the political combinations of *anti*-slavery, and NOT "slavery," which brought about this most ruinous war, and does it not thence result, as inevitably as inextricably, that the Republican party (and *not* their adversaries) are primarily resposible for the wail of every wife whom it has widowed, and of every child whom it has orphaned. Aye, sir, for all the blood which *has* been shed or which *may* be shed; for all the treasure which *has* been expended or which *may* be expended; in short, for all the desolation and ruin of the past; for all the sorrowing depressions of the present, and for all the gloomy forebodings of the future, the party so graphically sketched by the Sage of Ashland more than twenty years ago, must stand responsible in time and eternity! Of the party upon whom I have essayed to hurl back the charge which they now so persistently attempt to fix upon "slavery," the illustrious statesman to whom I have sufficiently alluded spake thus:

"With them; the rights of property are nothing; the deficiency of the powers of the General Government is nothing; the acknowledged and incontestable powers of the States are nothing; civil war, a dissolution of the Union, and the overthrow of a Government in which are concentrated the fondest hopes of the civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences."

Let the consequences, therefore, attach to the unrelenting radicalism of that party, who having at least *precipitated* the present deplorable rebellion, seemed determined to make either mockery or merchandise of the associations and sympathies of all *other* parties, and hence *profane* "the Union," by demanding now in its *name* the extinction of an institution which they have heretofore avowed the right and the purpose to abolish at its *expense!* Listen for but a moment, gentlemen, to a single additional reminiscence of political history, in lieu of the book full, which might just as readily

be adduced, in demonstration of what has constituted the burden of these remarks; and with that, so far as it may depend upon myself, I shall trust that this most unpleasant discussion may never be resumed.

Shortly prior to the annexation of Texas it was declared, by concurrent resolution of the Legislature of Massachusetts, that such annexation would be such a violation of the Constitution as to justify a dissolution of the Union. The Legislature of Vermont did something of similar import; but as I promised to limit myself to a single prominent reminiscence, I will read from the Congressional address, which was cotemporaneously issued "to the people of the Free States," the following paragraph:

"We hesitate not to say that the annexation of Texas, effected by any act or proceeding of the Federal Government, or any of its departments, would be identical with dissolution. It would be a violation of our national compact, its objects, designs, and the great elementary principles which entered into its formation, of a character so deep and fundamental, and would be an attempt to authorize an institution and a power of a nature so unjust in themselves, so injurious to the interests and abhorrent to the feelings of the people of the Free States, as, in our opinion, *not only inevitably to result in a dissolution of the Union*, but FULLY TO JUSTIFY IT; and we not only assert that the people of the Free States 'ought not to submit to it,' but we say, with confidence, they would not submit to it."

This address was signed by John Quincy Adams, Seth M. Gates, William Slade, Wm. B. Calhoun, Joshua R. Giddings, Sherlock J. Adams, Nathaniel B. Borden, Thos. C. Chittenden, John Mattocks, Christopher Morgan, Joshua M. Howard, Victory Birdseye, and Hiland Hall. Without saying more of the *right* of secession thus openly advanced in favor of the *anti*-slavery party of the *North*, than that it was almost identical with the subsequent and present assertion of the same right, in the interests, if you please, of the *pro*-slavery people of the *South*, I may of course rely upon it, not only to sustain the allegation already proven with respect to the primal *authors* of all our woes, but that the very *doctrine* of the pestilent right about which we have gone to war is of *anti*-slavery origin, alleged to result, in the language of the address from which I have just quoted, from "a violation of our National *Compact*." Need it be added, Mr. President, that from such elements will again but *naturally* be formed a Northern disunion party, whenever (if ever) they shall abandon the hope that the war now raging can be so wielded as to eventuate in the destruction of *slavery*.

Of course, sir, were I a mere partisan, or were I speaking for effect as a partisan alone, such texts as I have thus hastily thrown together might be as indefinitely and as exasperatingly elaborated here as they have been in the South, and produce, here as there, the same malefic alienations — the same bitter fruits. Not as a partisan, however, but in a relation the exact reverse, have I thus far addressed myself to the intelligence, the moderation and the patriotism of this body, and I shall so continue to the end. Having attempted such reply as was deemed appropriate—and which, if not already conclusive, will presently be rendered so—to the unjust and exasperating assumptions that slavery was the cause of the war, and should therefore be "immediately" eradicated, my remarks will be concluded with such a reference as to at least command the assent of those who continue to recognize in the founder of the emancipation party in this State the wisdom and sincerity with which they once accredited him. Of course I am alluding to General Francis P. Blair, in concurrence with whom, and with the witness from whom I shall presently quote, my own poor testimony is spread upon all your records, that, so far as the *status* of the negro has entered into the question of "the great rebellion," it *received at least four-fifths of its momentum from those who owned no slaves*, but who were impressed to believe by such and similar speeches, resolutions and writings as those I have grouped together, that it was the purpose of the party in power to so bring about the freedom of the laboring *slave* as to render him the equal and the rival of the laboring *white* man. From the speech delivered by General B., in the House of Representatives, on the 23d of May, 1862, I will read such portion as is pertinent to my present purpose, as follows:

"I believe, Mr. Speaker, that this is the method by which we can find the best ground of pacification with the great *nonslaveholding* masses of the Southern people — who, I assure you, have been driven into this rebellion, not by any love of slavery, not by any desire to perpetuate or extend it, but by an apprehension which has been, from year to year, cultivated and widely spread among them, that it was the design of certain men in this country to emancipate the slaves,

and to put them on an equality with the white men. I believe, as fully as I believe anything on earth, that this is the very *animus* of the rebellion, so far as the great mass of the Southern people are concerned; certainly with regard to the 'rank and file,' who alone should be conciliated.

"In confirmation of this view, I give an extract from a letter which I have just received from Mr. Arnold Krekel, of St. Charles, Missouri, a German Republican, one of the ablest and most discreet men in the State of Missouri. He states facts within his own knowledge, which are confirmed by the experience of every man who has any knowledge on the subject. He says:

"'In order to do anything with slavery in Missouri, it is absolutely necessary to place the separation of the races in the foreground. I have had, during the last six months, peculiar means of ascertaining the views of the non-slaveholding class engaged in the rebellion. I must, as Provost Marshal, have examined at least one thousand persons, four-fifths of whom were not the owners of slaves, nor did they feel any interest in the institution, except that they did not want to become the equal of the negro, thus justifying their acts, and alleging that the object of the Government was the liberation of the slaves, which, more than any other class, would affect the laboring part.'

"I believe that the influence which the few slaveholders have exerted for the perpetuation of that institution would not have availed to support this rebellion through one campaign, and could have been suppressed by two divisions of our army. I will not repeat what I have heretofore said in the House on that subject, but it is my conviction that on the basis of that separation of the races, and their removal to some country congenial to the organization of the African race, is to be found the ground of pacification between loyal citizens and the masses of the people of the South; an object certainly not less desirable to us than the welfare of the negro race, which will also be best subserved by this plan. We have great motives for desiring that pacification. I do not mean pacification with the leading traitors; not with any of those conspirators who, with the oath to support the Constitution, have had their hearts festering with rebellion and hatred against the Government; not with any of that class of people. Sir, I have confronted them in my own State. I know what anguish and suffering they have brought upon us. I am as ready and as willing as any man to mete out to them the full punishment of their treason. But I do not believe that it would be either for the interest or for the honor of the country to carry it further."

I add nothing, Mr. President, nor need anything hereafter be added, either in disproof of the calumny upon which slaveholders have been held up to public and to military *vengeance*, or as confirmatory of the *opposite* theory, that ANTI-slavery, and *not* "slavery," has been in the past, as it is to-day, the great disunion "criminal." Having brought about that "brothers' war," which, in an opening speech at our first session, it was so devoutly implored might be averted by the "God of our fathers," it has seemingly sought to prosecute it with the same disregard of the principles and the guaranties of the Constitution which would "let the Union *slide*" rather than relinquish even a tithe of its malevolence or of its aspirations to *supreme* dominion. In other words, and in conclusion of what may more appropriately be denominated a text book than a speech, it has stood in the past, as it stands here to-day, actuated by the same unfraternal and malevolent spirit — the same utter disregard of the civil and social equality in which the "States" formed "the *Union*" of States, and in which relation alone can it be hoped the Union may *ever* be restored or reconstructed. It is thus, sir, that the demand for "immediate emancipation," as an adjunct of "Union," is but to repeat the clamor of those who have *dissolved* the Union, and in the counsels of whom it can never, *never* be restored.

Mr. STEWART. I will not yield to the gentleman from Clinton, nor to any other man, in my respect for the memories of Clay and Webster, but I cannot see the utility of referring all the momentous questions of the present day to those able men. The people of Missouri treasured their memory, but would scarcely be guided by them in the emergencies of the present time.

I object, Mr. President, to this rebellion being called a Northern war to put down *Southern* rebellion. Virginia was just as loyal at the beginning of this rebellion as Missouri was, and North Carolina went to the polls and gave an overwhelming vote against the damnable treachery that was being attempted. I only recognize two classes of persons; those who are loyal to the Constitution and the Union, and those pestilent traitors who would destroy

both, and who have brought our fair land to suffer all the miseries, horrors, and bloodshed that devils alone delight in. Some gentlemen insist that the negro is the cause of all our trouble. Then I say, if the negro is in the way of our peace and prosperity, let us get rid of him. And, gentlemen, too, had a good deal to say against the military. For my part, I think that Missouri is safer in the hands of the soldiers than it would be in the hands of the bushwhackers.

Mr. COMINGO. Mr. President: But little more than a year ago, when we were called to vote upon an ordinance presented by the gentleman from St. Louis, (Mr. Breckinridge,) providing a scheme for the gradual emancipation of slavery in this State, I felt it to be my duty to vote against a proposition similar, in some respects, to that which we are now considering. I then greatly regretted that I could not support the ordinance to which I have alluded, without utterly disregarding the unmistakable will of a large majority of the people whom I have the honor to represent, in part, upon this floor. My own views of the interests and duty of the people of this State, in relation to this question of emancipation, were then just what they are now: that is that *both* required them to adopt some scheme that would ultimately, and at no very distant period, rid the State of slavery. But being satisfied, beyond a doubt, that in this I differ from the masses of those whose views it was my duty to represent, I could not do otherwise than as already indicated, without violating a rule which I have ever believed should govern in the exercise of delegated power. I am happy in believing that I can now act in conformity with my own views, or more nearly so than on the occasion alluded to, and at the same time have a due regard for the will of all my *truly* loyal constituents.

I am by no means prepared to state, however, that were the status of the institution of slavery in this State the same that it was one year ago, the people of the Fourteenth Senatorial District (composed of the counties of Jackson, Cass and Bates) would approve the passage of the ordinance now under consideration, or of any other ordinance similar in its nature. But the last year has witnessed great events, among which a radical change in the minds of the people with reference to the importance of adopting some system of emancipation in our State is not the least. To the minds of many this was as apparent twelve months ago as it is to-day, and was as ardently desired; but the masses could not realize the fact, and it was postponed, most unfortunately for the best interest of our State, as the sequel plainly shows. At that time none of those who, from a sense of impending necessity, advocated emancipation, nor even of those who did so from principle, presented, or thought of presenting, any scheme except of a very gradual character. Now we feel it is essential—nay, I may say, absolutely indispensable—to our future well-being that we adopt a speedy plan—far more speedy than has been adopted in any other State of the Union, if my recollection of history is correct; and members in our midst strenuously urge immediate emancipation without compensation, and threaten to ignore our action unless we adopt this extreme, and, as I regard it, unjust, unwise, and ruinous policy. A greater revolution in public opinion, upon a subject of such magnitude, has never been wrought in so short a period. I will not attempt to account for it; it is sufficient to know that it has taken place. Knowing this, and knowing too, or at least having every reason to suppose, that it will be governed by the general law of revolutions, and not go backwards, it becomes our duty to determine what the best interests of the State require at our hands. To this end we have been convened, and to the work before us I trust we have all addressed ourselves, fully impressed with a sense of its importance, and firmly resolved that reason and justice shall control our action.

From the momentous responsibility thus devolved upon us, well might we shrink. And as there are those all over our State who seem to covet our position, to think we are unfit for the great work before us, (if we may judge from their clamor,) that they are the men, and that "wisdom will die with them," I can but regret that we have been called to discharge a duty, for which they are, in their *own* opinion at least, so preëminently qualified. But regrets are unavailing, and having put our hands to the plow we should not, we *cannot*, look back.

I may safely venture the assertion that not one of the original ninety-nine members of this body even dreamed, while a candidate, that he would be called upon to deal with the subject of slavery in any way whatever; much less did it occur to his mind that he would be called to vote upon such a proposition as the one we are now considering. Nor was it, at the time of our election, supposed that our body would have an existence beyond the ad-

journment of its first session. Yet both these events have occurred, and, by reason of other events that transpired subsequent to our election, they have become inevitable necessities.

Called into being, as we were, by a disloyal and traitorous Legislature, at the bidding of an equally disloyal Executive, to take a part in their infamous and treasonable conspiracies, it is gratifying to know that the result of our action has been exactly the reverse of what they expected and desired, and equally gratifying to know that it has contributed in a large measure to the well-being of our State and the overthrow of the conspirators. Although our State has suffered terribly, and many of its fairest portions have been reduced to a desolate waste, and although civil war has raged and left its blighting footprints in almost every county, who will pretend to say that the condition of our State would not have been immeasurably worse than it is, had our existence as a body terminated with our first session? Who will pretend to say that by far the greater part of our State would not to-day be a melancholy waste, of which our bleeding border and southwestern counties are but the type?

It is useless, however, to attempt to show what might or might not have been our condition had matters been differently ordered. I am satisfied that we have labored to promote the best interests of the State and Federal Governments; and that, when we go hence, at the close of this our last session, we will bear with us an intensified devotion to our country's cause, and a renewed determination to uphold her glorious old banner and emblem of liberty. This we will do despite the perils of honorable warfare with an armed, powerful and desperate foe, and with a feeling of proud and burning contempt for the mere political bushwhackers, who have for months past assailed us, and doubtless will for months to come continue to assail us, from many quarters, with missiles poisoned with passion, prejudice and falsehood.

But before we suffer ourselves to be driven from our post by these guerrillas, before we succumb to the assaults from their masked and exposed batteries, we have a duty to perform, and if I am not mistaken in the spirit and temper that pervade this body, and do not overrate the patriotism of its members, they have entered upon the work before them with a determination to perform it, regardless of the angry howl that has been raised against them by a few desperate political malcontents. That work is the adoption of some wise and, as far as may be, just system of emancipation. Upon that proposition I trust I shall be permitted briefly to present my views, and give some of the reasons that control me in my support of the ordinance reported by the committee.

No subject that has ever claimed the attention of the American people has been environed with greater difficulties, nor has been more fruitful of evil, than African slavery. Neither its enemies nor friends appear of late to have exercised moderation, fairness or wisdom in the support of their favorite views of this much vexed question. The clergyman in the pulpit, the demagogue on the rostrum, the author in his study, the editor in his easy chair, and the artist in his studio, each, according to his peculiar prejudices, has tried to outvie the others in his effort to convey to the world his ideas of the transcendent excellencies, or unspeakable atrocities of the system. The discordant spirit that has been thus aroused, has found its way into the most sacred and secret recesses of society; it has insinuated itself into our family and social circles, into the church, the school room, the council-chamber, the legislative hall, the forum, the jury-room and the ballot-box; and now poisons all these once pure fountains of happiness, and weakens these strongholds of liberty. So great has been the influence of slavery on the minds and hearts of men, that many believe it to be the *cause* of the terrible rebellion which has cost our country so many precious lives, and which yet so obstinately resists the authority of the Government. Although I have never believed this to be true, I have never doubted that but for the plausible pretext slavery afforded the traitors of the South for resisting the authority of the Government under the administration of Mr. Lincoln, it would have been impossible for them to have rallied the masses to their support. As a means to an end, this pretext was all-powerful. But whether my views as to this are right or wrong, is a matter of little or no consequence. We know the rebellion exists, and we have both seen and felt the effects of this terrible reality. Whether it was produced by this, that or the other cause, is a question, it occurs to me, of little *practical* importance to us, so far as our present duties are concerned.

It appears to be the opinion of a large majority of this body that the best interests of our State demand the adoption of some scheme of emancipation, and discussion is, therefore,

more properly directed to the *mode* in which this end may be attained, than to the *cause* of the rebellion, or the evils and excellencies, advantages and disadvantages of slavery.

Endless discussion must ensue if once we enter upon these broad fields of debate. On either side we will encounter extreme views which tend to confuse the mind and excite ill feeling. One will argue that slavery is an unalloyed blessing, and will trace the genealogy of the African back to Ham, and find in the curse pronounced on that unfortunate son of Noah, authority for enslaving his supposed descendants four thousand years thereafter; and another, closely analyzing the mind and character of the negro, will show, to his own satisfaction, that they are such that he was manifestly created to be a slave, and that he must remain the "*servant of the white man or become the servant of the devil.*" And on the other side of the question we would encounter views equally absurd and odious.

Although my own views of the moral character of slavery have long been settled, I will here take occasion to say they have exerted but little influence in bringing me to the conclusions I have reached with reference to the *necessity* of emancipation in our State; and that I therefore deem it unnecessary to mention them at this time. Long before the rebellion became manifestly irreconcilable, by the commencement of active hostilities, I felt satisfied that if that state of affairs should be inaugurated, slavery would be doomed in Missouri, and would disappear like the early dew. It then struck me with surprise that there were such numbers of our citizens who appeared unable to realize the fact; and I am amazed that there are *any* at the present time who can so far mislead themselves as to hope, much less believe, that a different result is possible.

There are, however, Mr. President, some on this floor, and numbers in various parts of the State, who deem it their duty to oppose all schemes of emancipation, and who are very decided on this point. They of course believe that the institution of slavery yet rests on a firm foundation in our midst; is in no way dangerous to our present or future peace and prosperity; that the present supply of slave labor is adequate to the demand; that its future increase will keep pace with future demands for labor; and a system of slave labor is better adapted to the wants of our State than any other; in all of which I think they are mistaken; though I presume they as confidently believe they are not; for they would, I think, as wise and patriotic citizens, at once accept the alternative of emancipation if they did not maintain the affirmative of the propositions just stated.

Notwithstanding I deny that slavery is the cause of the war, (and am sustained in this by the declarations of more than one of the prominent members of the South Carolina Convention, made in debate while that body was in session in December, 1861, and also by the opinion of Mr. Yancey, contained in a letter to the London Daily News, January 25th, 1862, in which he states that the real object of the South is to secure for itself the development of its own resources unhindered by protective laws,) yet, as already admitted, it is so intimately connected with it from inevitable necessity, growing out of the character and aims of the rebellion, that it is regarded by many as its proximate cause. Owing to this fact, the slave interests have suffered, and will continue to suffer, more than any other, while the war lasts. The hostility that existed against slavery before the war began has been intensified by this idea, entertained by thousands, that it is the cause of the terrible rebellion that has deluged the land with the blood of their sons and brothers; and the further idea that to preserve the Government and put an end to the war, *it is necessary to destroy its cause.*

No one, I presume, will deny that this feeling exists and is rapidly increasing. I ask, then, whether this single fact does not, in connection with the history of the last two years, show that the institution of slavery in Missouri is in a toppling condition, and is dangerous to our present and future peace? To my mind, it does; and unless we, or some other body possessing like powers, can do something to avert the impending danger, I fear the history and condition of our desolated border will become the history and condition of our whole State. But, admitting, for the moment, that I am wrong as to this; that my painful experience during the past year is worth nothing in determining the question I have asked and answered, another subject of inquiry is whether the present supply of slave labor in our State is adequate to the demand, and whether its future increase will keep pace with the future demand.

This branch of the general question has already been so fully and ably discussed by the gentleman from St. Louis, (Mr. Breckinridge,) that I will dwell upon it but for a few moments.

Of the 114,931 slaves that were in the State

in 1860, according to the Eighth Census Report, it is impossible to tell how many are now remaining; nor can we approximate the number with any reasonable degree of certainty. It is well known that very few, if any, have immigrated, and that vast numbers have emigrated since 1860. During the spring, summer, and fall of 1861, in anticipation of the future insecurity of that kind of property, many of the heaviest slave owners in the western part of the State emigrated to Arkansas and Texas, and many others that did not feel disposed to go themselves, sent their slaves with their sons, or got their neighbors to take them to places of supposed security. How many have been removed to Arkansas, Texas and other seceded States, in this way, we can only determine by conjecture. I suppose, however, that the number will not fall far short of ten thousand. If to this we add the probable number of fugitives from all parts of the State, which I think we may safely estimate at thirty-five thousand, we have a total of forty-five thousand. It may be insisted that this is certainly an over-estimate, but when we remember that there has been an almost continuous stampede of slaves for more than eighteen months past from one of the most densely slave-populated districts in the State, (the counties of Saline, Lafayette, Jackson, Cass and Johnson,) and when we take into consideration the fact that this same hegira has been kept up in many other parts of the State, along our western and south-western border, along the upper and lower Mississippi, along our railroads, and elsewhere, it would seem probable it is rather an under than an over estimate. Supposing it to be correct, we then have seventy-four thousand nine hundred and thirty-one remaining. Taking it for granted that these will remain with their owners; that they have no desire to leave, and cannot be induced to do so, the question then recurs, is this supply adequate to the demand for labor in our State? No one, I presume, will so far stultify himself as to say it is; and I will not therefore occupy time by attempting to show that it is not. Even before the commencement of the war, there was a scarcity of labor. To satisfy our minds on this point, we have but to recall the enormous prices then paid for common farm hands and house servants. Ordinary plow boys, from fifteen to eighteen years old, would hire for from eight to ten dollars per month; able-bodied men, from fifteen to twenty dollars; nurses and house girls from four to six dollars, and cooks and wash-women from seven to ten dollars. In addition to this, the hirer was generally required to furnish clothing, and pay medical bills and taxes.

If, in answer to this, it be stated there has been a decrease in the actual demand for labor since the beginning of the war, it may be replied that there has been more than a corresponding diminution in the number of laborers, and that that diminution is still going on, and is likely to continue going on unless we can do something to arrest it. It is indispensable to the well-being of Missouri that her slumbering resources be developed as speedily as possible. Unless this can be done to a considerable extent in a very few years, her already impaired credit will be ruined, and the hopeless bankruptcy of our State and people is inevitable. In order to avert this calamity, we must draw upon the inexhaustible resources that are lying dormant in her fertile fields and rich mines. To do this, we must secure laborers, and from immigration alone may we hope for a supply. Is it probable this will come from the South? If we expect to supply the demand of which we have spoken with slave laborers, we will have to get them from other slave States, or not at all; and the bare suggestion that this is within the limits of *possibility* is so preposterous that I will venture to assert you cannot find a sane man in the State of Missouri who will admit that such an idea ever crossed his mind. These things being true, and surely they cannot be successfully controverted, it follows that our future supply of labor must come from the free States, or not come at all.

To comprehend the magnitude of our demands in this particular, we have but to consider the vastness of our territory, and the limited progress that has been made in the development of its immense and varied resources.

Our State contains 43,123,200 acres of land, of which, I assume, 26,000,000, at least, are susceptible of cultivation, and are of unsurpassed fertility; and the remainder of which is filled with inexhaustible supplies of coal, iron, lead, and perhaps other treasures. All these sources of wealth have hitherto yielded nothing compared with what they will yield when properly developed. Of the 26,000,000 acres arable land which I have supposed within our limits, there were under improvement in 1860 only 6,246,871 acres, leaving unimproved 19,753,129 acres, or nearly four-fifths of the whole.

If we glance, for a moment, at the progress that has been made in the development of our

mineral resources, we will discover as much inattention to this interest as is apparent in the department of agriculture.

In 1860, Missouri produced only 22,000 tons pig iron, while Pennsylvania produced 553,560 tons, Ohio 94,647, New York 63,145, and New Jersey 29,048. This same year, Missouri produced only 4,678 tons of bar and other rolled iron, while Pennsylvania produced 259,709, New York 38,275, and New Jersey 25,006. Missouri produced only 97,000 bushels of coal, while Pennsylvania produced 66,994,295, Ohio 28,339,900, and Illinois 14,258,110. In the production of lead, Missouri excelled. During the year just mentioned, she produced 356,660 tons, while Illinois produced only 72,953, Iowa 160,500, and Wisconsin 325,368.

I presume no one will insist that the excess which I have pointed out in each of these cases, grows out of superior natural resources in the State in which it occurred. Coal, I believe, in some of these States, abounds to a greater extent than in Missouri, but with this exception her natural resources are superior to those of any of the States mentioned. If from these facts we can draw any practical conclusion whatever, it is that we need vastly more labor than we can at present command, to render available our exhaustless stores of mineral and agricultural wealth.

This work once fairly begun, Missouri will enter upon her career of progress, and in a few short years will repair the desolate places within her border. And, having come up through great tribulation, having her robes dyed with the carnage of many a hard fought battle, "in freedom's cause," she will take a proud stand among the great sisterhood of States, ever watchful at the shrine of Liberty—ever willing to offer her sons a sacrifice upon her sacred altar.

I have been endeavoring, Mr. President, to show that facts and figures, as well as the history of events in our State during the last two years, sustain me in assuming that emancipation in Missouri has become an inevitable necessity. Although I may have utterly failed to sustain the assumption, I do not entertain a moment's doubt as to its correctness, and will, therefore, briefly present my views with reference to the plan that has been recommended by the Committee on Emancipation. It is probable there may be some other plan more compatible with justice to the slaveholder, and better calculated for the attainment of the desired end. If so, no one will regret its adoption in lieu of the scheme reported by the committee. The question of greatest difficulty with reference to *any* plan, is one of time. This fact will become apparent to any one who will compare the various plans presented to the Convention, and referred to the committee; and it was rendered even more obvious in the committee room by the wide and seemingly irreconcilable differences of opinion entertained and expressed by the members at their first sessions. But, with a spirit of kindness and forbearance, and, I may add, devotion to the peace and best interests of Missouri, they labored at the task before them, from day to day, until they agreed upon the plan proposed in their report. It is the result of concession on the part of all that concurred in its adoption; and is, in fact, a *compromise* report. I devoutly trust that the generous spirit that pervaded the deliberations of the committee will manifest itself on this floor with equal, if not greater power, and will keep down all passion and discord.

The age in which we live, and the circumstances with which we are surrounded, differ so widely, in many respects, from the past that its history may not throw much light on our pathway. I have, nevertheless, thought it not wholly improper to collect a few facts touching the action of other States that, in years gone by, while Reason and Justice yet maintained the throne, dealt with the subject of emancipation.

"In 1774, the Legislature of Rhode Island interdicted the importation of slaves into that colony, and the next year enacted a law of emancipation, by declaring the children of all slave-mothers to be born free. Massachusetts abolished slavery, by her bill of rights, in 1780. In 1784, Connecticut barred the introduction of slaves, and declared all born after the 1st of March of that year free at the age of twenty-six. Pennsylvania, in 1780, by law, prohibited the introduction of slaves, and declared free all children of slave-mothers born thereafter. New Hampshire abolished slavery in 1792; New York in 1799; New Jersey in 1820."

Two interesting points of inquiry arise right here with reference to emancipation in these States. The first is as to the schemes adopted, and the second as to the number of slaves emancipated.

Although I have not had access to any books containing the acts of emancipation adopted by these several States, I think I am warranted in saying that the systems adopted were all, with

the exception of that of Massachusetts, gradual—very gradual, indeed—and that the number of slaves emancipated in all of said States together was not more than equal to two-thirds of the number now in Missouri.

It will be remembered Rhode Island inaugurated her system in 1775. In 1790, just fifteen years later, the number of free blacks in this State was 3,469, and the number of slaves 952. I presume the sum of these numbers would show more than the number of slaves in this State in 1775. We will, however, take it as the actual number. It then follows that it took little Rhoda just sixty-five years to rid herself of 4,421 slaves; for we find she had five in 1840. Connecticut emancipated her slaves in 1784. According to the census returns for 1790 there were 2,801 free negroes, and 2,759 slaves in the State. Supposing all these to have been slaves in 1784, the number in the State at the latter period was 5,560. In 1840 there were seventeen slaves still remaining. It therefore took fifty-six years to accomplish her work of emancipation. In 1780 Pennsylvania commenced her work of emancipation. In 1790 her free negro population numbered 6,537, and her slaves 3,737. The two combined amount to 10,274. In 1840 there were sixty-four slaves remaining in the State; showing that it required sixty years to accomplish for less than 10,000 what we propose to do for 75,000 or more in thirteen. In 1790 New Hampshire contained 158 slaves. She commenced the *herculean* task of emancipating them in 1792. Eight years thereafter she had eight remaining. The great State of New York began the work of emancipation in 1799. In 1800 there were in the State 20,343 slaves. This, it will be borne in mind, was one year after the passage of her emancipation act. Under the system that was adopted it took her forty-one years to get rid of this comparatively small number. In order to show the workings of her plan, I will give the census returns from 1800 down to the time the institution became extinct. In 1800 she contained 20,343; in 1810, 15,017; in 1820, 10,088; in 1830, 75; and in 1840, 4. In 1820 New Jersey adopted an emancipation act, having within her border at the time just 7,557 slaves. The census returns for 1860 show she then had 18 still regarded as slaves.

Thus we see that the six States mentioned did not have within their limits, all told, *exceeding* 48,313 slaves, that could have been effected by their act of emancipation. But, so far as I can learn from the authorities to which I have had access, not one of the slaves in being at the time Pennsylvania passed her emancipation act was set free; and I believe the same assertion true with reference to all the others.

If these States, containing respectively such a very small number of slaves, thought it wise to adopt plans of emancipation that required from forty to sixty-five years to bring about the desired result, it certainly will not be considered as unwise in us to take thirteen years to fully emancipate 75,000, some say 90,000.

Mr. President, I would ask gentlemen who vociferate so loudly and earnestly for immediate emancipation, how they can, in view of the past history of emancipation in the United States, reconcile it to themselves to inaugurate a system which, it appears, has never been thought expedient, even in States in which the slave population was less than a tenth part of what it is in Missouri?

Could we give full compensation to the owner, and were the slaves of this State fully prepared and qualified for their freedom, the question *might* bear a different aspect; but when we remember that we do not propose to pay a solitary dollar to the owner, and that the negroes, as a class, are wholly unprepared for enjoying full and unrestricted freedom, the proposition appears both inhuman and unhuman and unjust—inhuman to the negro, and unjust to the master.

Although I labored to change some important features of the report of the committee, and earnestly desired success, I will state I accepted it as a compromise, and as such I intend to support it. Should it be adopted by this body, I shall confidently hope for many beneficial results, one of which, and perhaps not the least, will be a cessation of the everlasting clamor about the negro, and, consequently, a more healthy state of morals among a very large and respectable class of our citizens known as politicians.

Mr. President, I have thus endeavored, calmly and fairly, to express my views on this great and, to the people of our State, most momentous question. I am not unmindful of the fact that in them others will find much to condemn, and perhaps little to approve; but they are the result of my own reflections, and, as far as they go, present my conscientious convictions with reference to the subject under consideration, and my views of duty under existing circumstances.

And now, Mr. President, I leave the subject in the hands of the Convention, believing that each member will give to it in the future, as in the past, that careful consideration which its importance demands, and hoping that a spirit of kindness and conciliation may pervade our body, that we may do nothing to occasion future regrets, and that the result of our deliberations may contribute largely to the future peace and prosperity of our State.

Pending the consideration of the motion, Mr. HOUGH moved an adjournment of the Convention to half-past 2 o'clock. Carried.

AFTERNOON SESSION.

Convention met at half-past 2 o'clock and resumed the consideration of Mr. Drake's amendment, pending at the time of adjournment.

Mr. WOOLFOLK. Mr. President: I ask the indulgence of this body, while I give the reasons which will influence my action upon the questions now before the House. The amendment of the gentleman from St. Louis, (Mr. Drake,) providing for the abolition of slavery on the first day of January, 1864, has already been fully discussed, and I shall therefore only bestow upon it a passing notice. In my opinion it is plainly unconstitutional, unjust to the slaveowner, and disastrous to the industrial interests of the State. The slaveowner who had removed to our State with his property, induced by the pledge in our Constitution that it would be protected, could justly complain of a breach of faith if this amendment is adopted, while it violates the Constitution also by taking private property for public use without just compensation. We all know that it is impossible for the slaveowner to send his property from the State at this time. Military lines prevent its shipment south, and orders exist which prohibit its exportation from the State without a permit from a Provost Marshal, which, I am informed, is rarely given. The owner then cannot remove his property from the State before January 1st, 1864, and the amendment of the gentleman from St. Louis thus robs him of his property without any compensation. But I object to it, also, for the reason that it forever retains the negroes in the State. No one has any interest in removing them from the State when once they become free. I desire such an ordinance as will make it the interest of the owner to remove his slave property from the State, and which will allow him sufficient time to do so.

The ordinance introduced by the majority of the committee, providing for the abolition of slavery in 1876, does not meet my entire approval, yet in a spirit of concession I will give it my support if I can secure its submission to the people. At the proper time I shall offer an amendment, providing for its submission on the Tuesday next after the first Monday in November, 1864. This is the time fixed for our next general election for State officers, and our various candidates can then discuss the whole matter before the people.

I must confess, sir, that I have not changed my sentiments upon this question of emancipation. I have always regretted this slavery agitation during the continuance of our troubles, and I regret it now. I will briefly refer to the causes which have induced me to give this ordinance my support, hoping that they may also influence other gentlemen who are opposed to emancipation. In giving these causes, it will be necessary to briefly trace the progress of this emancipation movement. I will not, however, go back further than one year ago, when the distinguished gentleman from St. Louis, (Mr. Breckinridge,) introduced into this body an ordinance for the gradual emancipation of slaves in Missouri. Although the ordinance was thoroughly conservative in character, and its adoption was urged with all that persuasive eloquence for which the gentleman is distinguished; yet this Convention refused to act upon the question of emancipation. We refused, too, in spite of other and greater influences which were brought to bear upon us. The radicals throughout the State had suddenly raised a simultaneous howl in favor of emancipation, and many who had hitherto been regarded as conservative added to the numbers and influence of that party. The President of the United States had also chosen to interest himself in the domestic affairs of Missouri, and had urged emancipation upon us. He had talked largely of Congressional aid in furtherance of this object—aid, however, which was never rendered. He had, too, in the most officious, yet friendly spirit forewarned us of the danger of refusing to follow his suggestions, and bluntly told us that we could not be blind to the "signs of the times." I looked, sir, to see these "signs of the times," and I saw that a Republican Congress had applied the Chicago Platform to all

the Territories, that they had abolished slavery in the District of Columbia, and taxed the people of the United States in order to buy the freedom of the negroes in that District. I saw, too, that Republican politicians were everywhere clamorous for a proclamation abolishing slavery in the Southern States. I turned, sir, in disgust from these "signs of the times"—turned from the politicians to the people, and I saw other and different signs. I saw these fanatical Abolition Jacobins overwhelmingly repudiated by a majority of the Northern States. I saw, too, the existence of a restless and growing opposition everywhere, to a sectional and arbitrary policy, disregarding alike the restraints of law and the pledges of the past. But, alas! to Missouri, prostrate and bleeding at the feet of Power, these "signs of the times" have proved but hopless harbingers of good.

Sir, after our refusal to act upon this question of emancipation, we returned to our homes, and conservative men everywhere endorsed our action. They understood that we were opposed to negro agitation during the continuance of our troubles, and they were satisfied. We had let this slavery question alone when slaves were valuable, when the owner could have shipped this property south and obtained a full equivalent, and there was no propriety in its agitation now. Before this revolution emancipation could have taken place without injury to the slaveowner or to the State. Then, however, many of our emancipation friends boasted especially of being "sound on the Jackson Resolutions." But when this property had greatly depreciated—when military lines prevented its shipment south, and military orders prohibited its removal from the State without a permit, which was rarely given—when, in other words, the slaveowner could neither get anything for his property at home, nor send it from the State, then it was that the scales suddenly fell from the eyes of these pro-slavery gentlemen, and they beheld the wonderful beauties of free soil and speedy emancipation. Oh, consistency! thou art a jewel.

Sir, in my opinion, this Convention acted wisely when it refused to consider the subject of emancipation, and the conservative masses were right when they endorsed our action. We wanted peace in Missouri, and the part of wisdom was to agitate no questions which would divide the Union party, and add new embitterments to the numerous causes of strife already existing. No system of emancipation could bring emigration and prosperity to a State wasted by civil feuds, where property and life were insecure. All we needed was peace. When we had settled the Union question, and trade was reopened with the slave States, we could very soon have disposed of the negro question also.

After our adjournment the fall election came on, and the Union party generally voted for candidates without regard to this question of emancipation. The all-absording theme was the Union question. Emancipation in many localities was not discussed at all. Where it was discussed, the great mass of the people supported those candidates opposed to slavery agitation in Missouri during the continuance of the war; but many of these candidates wilfully deceived the people. Many elected simply as Union men, proved to be simply abolitionists. Many elected asanti-emancipationists, turned up emancipationists in the Legislature. By means of this species of legerdemain, and the terrorism of bayonets, the emancipationists succeeded in obtaining majorities in both branches of the General Assembly.

But, after the election, these "conservative" gentlemen threw off their disguise. Our candidates opposed to negro agitation—our very gradual emancipationists—forgot the principles on which they were elected. Recreants to all their pledges, many of them advocated immediate emancipation. Regardless of the industrial interests of the State, they proposed to turn loose upon us one hundred thousand free negroes to pollute society, and fill our prisons and poorhouses. But they desired to make a show of compensating loyal owners, and they asked of Congress an appropriation for that purpose, which, thank God, they did not get. Yes, sir, notwithstanding the fact that the nation was already staggering beneath the weight of an immense debt, which was daily increasing, these "conservative" gentlemen, these negro philanthropists, demanded that millions should be added to that debt; that increased taxes should be wrung from our impoverished people—from the widows, the orphans, and the blood-bought pittance of the soldier—in order to buy freedom for the negroes of Missouri!

Mr. President, like all men who wilfully forfeit their pledges, these "conservative" gentlemen soon learned to disregard and despise the people they deceived. They found that, in the midst of bayonets, power was one thing and the people another thing. They boasted much of

unconditional loyalty—not to the people, but to the President, the commander of armies. Inflated by the giddy height to which they had been elevated, they grew self-important; they talked largely of the necessity of a Dictator—a Dictator to be lifted over the heads of a free people, under the pretence of "saving the Union!"—and each of them doubtless felt himself the man for the times. In the sweet delirium of power, visions of thrones, sceptres, palaces, flitted before the eye of imagination, and mingled with their dreams of glory.

> "Oh, but man, proud man,
> Dressed in a little brief authority—
> Most ignorant of what he's most assured—
> Plays such fantastic tricks before high heaven
> As make the angels weep."

After a stormy session of several months, during which emancipation was the principal topic of discussion, this "Rump Parliament" of Missouri adjourns without doing anything on the subject. I suppose they concluded to prolong the existence of slavery for the pleasure of keeping up negro agitation a while longer. Like the cat, when it has the mouse securely in its clutches, they wanted the pleasure of torturing their victim before they devoured it.

I said they did nothing; but they did succeed in arousing the demon of slave agitation throughout Missouri, which has brought the "irrepressible conflict" to every hearth-stone, and added fuel to the fires of passion which had begun to slumber. Sir, that agitation is now upon us. The wildest spirit of fanaticism has been aroused upon this question of emancipation. The flood-gates have been opened, and the stormy tide of revolution threatens, not only to sweep away slavery, but law and order with it. Action upon this question has become necessary. It is a necessity which all feel—all admit. One year ago, the conservatism of this Convention caused it to imitate the example of Kentucky, and refuse to agitate this question of emancipation during the continuance of our troubles. It would have been fortunate for the peace of Missouri if she could have continued to imitate Kentucky, but this agitation has been forced upon us by partisan politicians within and without the State, and now action has become as much the duty of conservatism as non-action was a year ago. Nearly all admit the necessity of action, and the only question is, what shall be the character of that action. In order to determine the remedy for our present ills, it is necessary to appreciate thoroughly the elements without and within the State which render action necessary.

First, then, we find a mighty element beyond the State which is determined upon the destruction of slavery in Missouri. This element has the control of the Government with its power and bayonets. This party are in favor of emancipation in Missouri, both upon anti-slavery principles and because they believe it will aid the cause of the Government in suppressing the rebellion. Taken as a whole, this is not a lawless element. They are not for revolutionary action in Missouri—for immediate emancipation by the bayonet, unless forced to adopt such a policy in consequence of Missouri's refusal to adopt some system of gradual emancipation. I think I might safely say that the mass of this element would prefer the extinction of slavery in Missouri by legal means, and by the action of our own people. They only ask that it shall be placed in a condition where the public mind would rest secure in the consciousness that it is in a state of ultimate extinction. It is idle, sir, to deny the fact that it has become necessary to propitiate this element. They have frequently, through official sources, manifested their desire or determination that slavery should be extinguished in Missouri. Their reveille of freedom is beating upon our borders. To spurn their overtures; to throw ourselves back upon our reserved rights—our State sovereignty—would but result in driving them into the arms of the lawless, revolutionary party who favor immediate emancipation by the bayonet, without regard to loyal owners or the industrial interests of the State. The President of the United States may be said to represent the great mass of the anti-slavery element of the North. He has never urged upon us the adoption of anything but a gradual system of emancipation. He is now represented to favor only such a system; and, true to his reputation for honesty and conservatism, he is said to be opposed to the radicals in Missouri, who compose the immediate emancipation party. To propitiate this element in the free States—to make them the friends of the conservative emancipationists, and friends to the best interests of Missouri—is one of the objects to be accomplished by action upon this subject.

But within our State limits there are elements which render action necessary. A brief glance at the different parties in the State will best satisfy us of the necessity and the remedy required. The traveller over Missouri will

find three classes of sentiment — three well-defined and distinct parties. The Secessionists compose one of these classes. They are men who still fondly cling to the delusion that Missouri is a part of the Southern Confederacy; that the Federal Government has invaded the State, and that the Provisional Government is a usurpation, erected over the heads of the people by an "Abolition" Convention and the power of Federal bayonets. This class feel that their only allegiance is due to the rebel Governor Reynolds and the Government of the Confederate States. Many of them still regard it as their duty to war on the Government of the United States, and thus manifest resistance to what they regard as military occupation of the State by the enemies of Missouri. It is gratifying to know that this class is exceedingly small, and daily diminishing in numbers. Time has cooled the wild, fevered passions which plunged them into rebellion. The Government of the United States has always maintained its power in Missouri, and it is natural for men to yield allegiance to the "powers that be." No Confederate flag has ever floated over any considerable portion of Missouri soil. When it has wandered to our State, it has always come as the forerunner of storm, briefly floated amid battle-clouds, and then, tattered and torn, has been borne back to a more congenial clime. The Missouri Secessionist has waited patiently, very patiently, for the coming of his friends. Never did lover list more eagerly for the footsteps of his mistress. His longing eye has often turned towards the south, and grown dim in seeking to discover his chosen banner floating on a southern sky; but it came not, and "hope deferred maketh the heart sick." A few lingering enthusiasts still remain, but their delirium has reached that crisis in the disease where the patient either dies or entirely recovers. A little skill now on the part of our physicians; a little just severity, mingled with proper discrimination, will, I am satisfied, entirely eradicate the disease. A few of this class persist in their delusion, for the reason that Missouri is a slave State; but pride of opinion, and the difficulty of effacing their past record, has more to do with perpetuating this remnant of a party than either the existence or nonexistence of slavery in the State.

Another of these classes call themselves Radical Union men. While professing a most bitter antagonism to the Secessionists, there is yet a wonderful similarity between them. I presume it is upon the principle that extremes often meet. The Missouri Secessionist denounces the Provisional Government, and the Missouri Charcoal denounces it for the same reason, and in about the same language. The Missouri Secessionist is exceedingly hostile to this Convention; the Missouri Charcoal borrows the bitter epithets of his Secession brother in order to hurl them at us. The Missouri Secessionist calls himself a revolutionist. The Missouri Charcoal adopts the language of his great leader, and boasts that "we are the revolution." The Missouri Secessionist says there are but two parties — Secession and Abolition; the Missouri Charcoal endorses the statement, and denounces every man as a Secessionist who is not an Abolitionist. One of these parties is radical pro-slavery, the other radical anti-slavery. If the Apostle Paul should return to earth, and again proclaim, "servants, be obedient to your masters," the Missouri Charcoal would desire to crucify him as a Copperhead and a traitor; while the Missouri Secessionist would regard such a proclamation as the best evidence that he was inspired of God. Both of these parties are really opposed to any gradual and equitable system of emancipation. Many persons, in both parties, would prefer to see the institution abolished by violence, hoping that such a lawless policy would again provoke another bloody conflict in Missouri.

Like the Secessionists, many of these Radicals are honest men, even enthusiasts. But many of them are animated by the basest motives. They desire to disturb the quiet of the State, hoping that in the midst of hostilities they can gratify their private malice, and pillage from their neighbors, under the pretence of putting down rebellion. They fully appreciate the maxim, that "in the midst of arms, the laws are silent." Neither of these extremes could live but for the existence of the other. Outrage upon one side provokes similar outrage from the other, and thus bad men, professing to belong to both parties, involve the State in constant warfare, and drive from our midst many of our best citizens.

There is also a third party in the State, Mr. President, who value peace, law, and order, more than they do the existence or nonexistence of any particular institution. They recognize the right of the people of Missouri to abolish or retain slavery, as the majority of our people may desire. While they would not provoke the pro-slavery party to madness by unnecessary outrage and wrong, neither would they madden the anti-slavery party

by obstinate persistency in clinging to any institution, should the majority of our people desire its removal. This class is composed of the good men — the law-abiding men of all past political parties. Many of them are Republicans, many Democrats, and many pro-slavery men. They feel that the State needs peace, and they are disposed to sacrifice all past prejudices in order to obtain it. They feel, too, that their surest guarantee for peace is in the Union and under the Constitution; and by whatever name they call themselves, they agree in desiring the old order of things— "the Constitution as it is, the Union as it was." The hope of the State is in this class, and I may add that they are the best hope of the nation.

It is evident, sir, from this brief survey of parties in the State, that action upon this question has become necessary. The law-abiding men in the State, both pro-slavery and anti-slavery, are perfectly willing to vote this question out at the ballot-box, submitting to the will of the majority. The revolutionists of all parties are opposed to any practical legislation upon the subject, and prefer non-action, as this keeps alive the passions aroused by slavery agitation, and fans into flame the smouldering embers of civil war in Missouri. Non-action would drive many conservative anti-slavery men into the arms of the revolutionary party. This party would be their last resort, if they failed to accomplish emancipation by legal and peaceful means. The revolutionary party, swelled by the strength and influence of the conservative anti-slavery men, would be emboldened to abolish slavery by violent and revolutionary means. This unjust policy might drive thousands of loyal pro-slavery men into resistance, perhaps rebellion, and thus non-action upon this subject might again plunge us into the horrors of civil war.

Appreciating then, sir, the necessity of action, our next inquiry is, what shall be the character of that action? Shall we endeavor to conciliate the Secessionists, or shall we endeavor to conciliate the Radicals, who demand immediate emancipation, regardless of the rights of loyal owners, or the industrial interests of the State? Sir, if gentlemen are actuated by any desire to conciliate either of these elements, they had best banish them at once. There are three distinct parties in the State — a Secession, a Democratic, and an Abolition party. You cannot harmonize these parties. You might as well attempt to mix oil and water. The Democracy and the Abolitionists are unable to harmonize in the Free States, and you cannot harmonize them here. To conciliate either of these parties you must place yourself squarely upon their platform. In doing this you abandon the other two. Let gentlemen choose their ground. The Radical party are determined on slavery agitation. Concessions will but make them more violent, while it will alienate conservative men. If this Convention has resolved to make itself the tool of the Radicals, I would advise them to adopt no half-way measures in their efforts at conciliation. To be the tool of this party, without yielding fully to its demands, will but render this body contemptible in the eyes of the men it seeks to propitiate, and forfeit at the same time the respect of the true conservative sentiment of the State. No, gentlemen; if you have determined to become the slaves of this party, go a little further and you may become their masters. Put yourselves squarely upon their platform; write on your banners, "We are the Revolution." Lead the van; don't limp in the rear. Call upon the President to apply his proclamation to Missouri and free the slaves of loyal and disloyal men. Go further. Require the owner to pay the slave for the time he has worked for him while in a state of servitude, and, in default of such payment, compel the master to work for his negro just as long as his negro worked for him. But do not stop here. If you are for immediate emancipation — if you desire to turn loose a hundred thousand free negroes upon the State, making no provision for deportation, then you must prepare for a war of races, or else amalgamation. I tell you, sir, two distinct castes cannot live together peaceably on terms of equality. If the white man don't enslave the negro, the negro will ultimately enslave the white man. We tried it with the Indians. The red chiefs welcomed the pale faces to the hunting grounds of their fathers; welcomed them as friends and brothers. There was much to harmonize them. The wild forests of America seemed large enough for both races. The white man was a Christian, fleeing from religious persecution. His heart was filled with peace and good will towards all men. Abandoning the civilization and luxuries of the old world, he had sought the wilds of the Western Hemisphere, merely for freedom to worship God. To the rude Indian the white man seemed an angel visitor. He brought with him tidings of the Great Spirit, the arts and sciences, the re-

finements and conveniences of civilization. But notwithstanding all these harmonizing influences, the descendents of Shem and Japhet could not live together in peace. The meek and patient Christian of the old world soon became an Indian fighter in the new. Hardly was the white man's foot firmly planted on the Western Hemisphere before a war of races began — a bitter, relentless war, which has continued, and will continue till the last red man is driven into the Pacific.

Sir, this is the history of the white and the red man; but if the Abolitionists accomplish their purposes, the history of the white and black man is yet to be written. What will be that history? Can you expect it to be peaceful? Can you expect the black race long to be content with personal freedom and political slavery? Cannot the negro well claim, that, if fit for private liberty, he is fit also for political equality? Can he not well assert, that, if taxed to support Government, he should have a voice in the control of that Government? Otherwise you would have taxation without representation, and the negro could well point to our own revolutionary struggles with England to show that freemen would never submit to such oppression. Sir, we cannot turn loose these negroes in our midst, and keep them a distinct and inferior race. The spirit of liberty, once aroused, would plunge them into resistance to such injustice. The memory of past wrongs, past degradation, the master's lash, of unrewarded labor, would itself fill their hearts with burning hate to the white man, and prepare them for a war of races. Upon this American continent the struggle of the white and the red man would again be re-enacted; but this time, sir, it would be a more fierce and bloody struggle. We would no longer contend with a savage enemy, but with an intelligent, embittered foe, whom our own Government had organized, drilled, and taught the art of war. I tell you, sir, these Radicals are nursing a thunderbolt in the bosom of their country. If not satisfied with the example taken from our own country, let them turn to England — let them trace there the long embittered contests between the Norman and the Saxon — a war of castes — a war which never ended until amalgamation finally melted and mingled the hostile races into one.

Yes, sir, if this Convention desires to conciliate the radicals let them act wisely and go a step further. Let them elevate the negro to the full rank of an American freeman; open to him the ballot-box and the honors and emoluments of official station. It is either this or a war of races in the end. But, sir, this is not all. In the East, where the people are nearer the sunrise, the amalgamationists have appreciated the fact that this is not all. If the negro is made your equal in personal and political privileges, he soon becomes your social equal also. It springs naturally from a recognition of his other claims. He mingles in your public meetings, meets you upon 'change, and in the various avenues of trade, and soon he becomes a participant in your social gatherings. He is a guest at your feasts, is invited to your parlors, escorts your daughters to church, and soon color and caste are forgotten, and amalgamation results,—first among the lower classes and afterwards among all. The Anglo-Saxon blood degenerates by a mixture with the African. We lose those noble characteristics which made the American Union the greatest nation on this continent, the first in the world; and we sink to a level with the Mexican and South American races.

Are gentlemen prepared for this? Sir, in the language of another, "shield me and mine from that philanthropy which would blend the crystal eye, the elevated feature, the ambrosial and waving curl, the rosy skin—all the striking and glorious attributes which mark the favorites of nature, exhaling fragrance and redolent of beauty and of bloom—with the disgusting peculiarities, the wool, and grease, and fœtor of the blackened savage of the Southern deserts. The Saxon and the Celt, the Norman and the Dane—even the Tartar and the Hun, the Turk and the Saracen—the races of Shem and Japhet, may compound and melt and mingle into one people, when met upon the same soil, but the race of Ham must serve or separate."

Assuming, gentlemen, that you will be prompted by higher, nobler motives than a mere desire to conciliate either of the extremes, let us proceed to investigate the remedy for our present evils. If we are correct in our definition of the three classes in the State, the real issue to-day is not slavery or no slavery, but law or no law. We have two parties in the State who call themselves revolutionists, and but one party who profess any respect for the Constitution and laws of Missouri or the United States.

I tell you, sir, this negro question is but a pretext for revolution, first used by the Secessionists and now by the Abolitionists. In many cases, your radical Abolitionist who desires im-

mediate emancipation, is also in favor of marauding, theft, arson, murder, and all the catalogue of crime. Wherever in the State this element has control, unrestrained by the military, you find lawlessness prevailing, and property and life insecure. Your radical Abolitionist desires to abolish, at once, the laws protecting slave property, because it is a step toward agrarianism. If he can destroy ownership in this kind of property at one fell blow, he can as easily destroy it in all other property. My title to my stock and my lands is protected by the same laws that protect my title to my negro. Revolution is often a great leveler. If once this destruction of vested rights is begun, God only knows where it will end. Sir, the object of this Convention should be to unite the law-abiding, conservative men of every party against the lawless men; the honest men against the thieves. How shall we do it? The way is plain. There are thousands of good law-abiding men who are opposed to emancipation, and thousands also who are in favor of it. The latter class have seen the rapid progress of Illinois, Wisconsin and Iowa in wealth and population, contrasted with Missouri. Missouri suffers by a comparison, and they regard slavery as the evil which has retarded our progress. They naturally desire to eradicate the evil, but they would do it as Pennsylvania, Indiana and other States have done it—in a legal, peaceful, gradual manner, without wrong to the slave-owner, or injury to the industrial interests of the State. They know that a system of gradual emancipation inaugurated, will have all the beneficial effects of emancipation accomplished. It would have just the same effect towards bringing emigration to the State. The conservative emancipationist and the conservative pro-slavery man differ upon this question of emancipation, but agree in their readiness to submit to the will of the majority of our people, constitutionally expressed. Let us, then, unite honest, conservative men of all parties by passing an act of gradual emancipation, and submitting it to the people. I would prefer an ordinance of emancipation similar to that of Pennsylvania, leaving all slaves now in existence slaves for life, their posterity to be free at the age of twenty-eight. I appreciate the fact, however, that such a system is better adapted to a state of peace than to revolutionary times like these. While I have several objections to the ordinance as reported, yet I shall vote to submit it to the people.

I regret to find that gentlemen differ as to the propriety of submitting our action to the people. In my opinion, this ordinance will only derive its vitality and efficacy from the popular approval. This Convention has outlived the issues which gave it birth. It has long since fulfilled its mission; and on this question of emancipation it cannot claim to be the latest expression of the popular will. To refuse to submit our action to the people would be an assumption of power always dangerous and always odious, because it indicates distrust of the people themselves. In this case the assumption would be particularly odious, as this Convention cannot claim to have been elected with reference to this subject. Such a policy would defeat the very object the Convention has in view—the pacification of the State and the suppression of slavery agitation. The odium of our conduct would attach to the ordinance itself, and in the end, perhaps, secure its defeat, thus throwing back this whole emancipation movement into its original chaos. Sir, we already find the Charcoal party clamorous for the submission of our act to the people. To refuse to do it, will but continue this slavery agitation, mingled with clamorous charges of usurpation, an attempt to fasten slavery on the State, and God knows what besides. The conservative pro-slavery party desire its submission at some future day, and our refusal to gratify the popular demand will but embitter our enemies and alienate our friends.

Sir, for one, I am not afraid to trust the people. They sometimes err, but they speedily get right again. Let us submit our act on the Tuesday after the first Monday in November, A. D. 1864—our next general election. Our candidates for office can then fully discuss the whole question before the people, and they will have had ample time to consider it.

It is to be hoped that before that time peace will be restored, and a fair, full vote can be taken. Then, with all the lights of time and reflection flung around this question—with all the mysteries of the great future fully revealed, the people can decide whether they will accept or reject our ordinance.

But many of my friends, Mr. President, object to taking any action on this question of emancipation, because they do not regard it now as a question of State policy, but a partisan matter. They regard it as but a part of the great anti-slavery programme of that party which at present controls the destinies of the nation. The watchword of that party is emancipation for the Border States, the proclama-

tion for the South. They tell us that slavery should be abolished in Missouri because it is an element of weakness, and in the South because it is an element of strength. If slavery in the South is an element of strength to the rebellion, surely in Missouri it is an element of strength to the Government. Here the entire produce of the slave goes to the support of the Government. Our Abolition friends, perceiving the inconsistency of this mode of argument, fall back upon another position. They urge that slavery is the cause of the rebellion, and therefore it should be abolished. They urge further, that it keeps up the rebellion in Missouri, and therefore immediate emancipation is necessary. I was not aware, sir, that any rebellion existed in Missouri; but if there does, I would ask if it is not carried on by white men and not negroes? I hear of no negroes in the State engaged in the rebellion. I tell you, sir, this rebellion in Missouri has been kept up by white men. True, the existence of slavery in the State may have induced many of our citizens to engage in this rebellion, believing this to be "an Abolition war," but to make it an Abolition war will not convince them of their error. Sir, do you believe it would give us peace if you were, to-day, to free every negro in the State by violence? No, sir, but it would make rebels ten times more numerous than they now are. Wrong and outrage may keep up rebellion in Missouri, but it will never put it down.

Mr. President, it is time for the Abolitionists to learn that white men, and not negroes, continue this rebellion in Misouri. If they want peace, they must learn to respect the rights of white men. Why, sir, if such men as Jennison and Pennick were stationed in Massachuestts, they would stir up rebellion if they acted as they have done in Missouri. Wherever the blood of freemen courses in the veins of Americans, they will resist men who pillage their property, burn their houses, and turn their families out to starve. It is natural for all men to resist oppression, but it is a lesson which Americans have learned even in their cradles.

Sir, the allegation that slavery is the cause of this rebellion is but a miserable pretence for abolition outrage and wrong. I deny, sir, that it is the cause. I deny that this institution is a nursery for treason, as the Abolitionists would have us believe. Have our Abolition friends forgotten that slavery existed in the South long before this Government was established, and that prior to these difficulties the men of the South were the most patriotic citizens of the Republic? Have they forgotten that the Washingtons, the Henrys, the Jeffersons, the Sumpters and Marions of the Revolution were from slave States, and mostly slave-owners? Have they lost sight of the fact that in the war of 1812 the South poured out its blood like water in defence of the flag, while our New England patriots were figuring in Hartford Conventions and refusing to send their troops beyond their respective States? Sir, have they forgotten that the Abolition party were opposed to the war with Mexico, and that it was chiefly Southern patriotism and Southern valor which planted our banner upon the Capitol of the Montezumas and dictated a peace which added California, Texas and New Mexico to the Stars of the Union?

Sir, I can assert without fear of successful contradiction, that for eighty years prior to these troubles the patriotism of the slave States was without a blot or blemish. Why this sudden change? Is it not strange that the patriotic South, the home of Washington, Jefferson, and Jackson, have suddenly become a brood of bitter, uncompromising traitors, merely because African slavery existed among them, as it has always done? Will our Abolition friends tell us that six millions of freemen, for no other reason, suddenly forsook the Government of their fathers, plunged into a fierce struggle for separate existence, with an enemy four times their numbers—have endured famine and hardships, and yet fearlessly fling their banners to the breeze, and talk not of submission although overborne by superior numbers? Is there no cause for this but African slavery?

The gentleman from Jackson, (Mr. Comingo,) showed in his speech this morning, that many of the Southern leaders had admitted that their principal motive for rebellion was to obtain free trade. But this motive alone could never have precipitated the Southern States into rebellion. I would ask, sir, if our Abolition friends are entirely guiltless, who in times past have sent petition after petition to Congress praying for a dissolution of the Union? Have these Abolition Union-savers forgotten their own burning denunciations of the Constitution and the Union?—forgotten their "irrepressible conflict?"—their resistance to the execution of the fugitive slave law? Have our Abolition Christians forgotten how, in times past, they refused longer to hold any fellowship with their southern brethren, and, regardless

of their entreaties, spurned them from every Northern Church, if I remember rightly, except the Catholic and iron-side Baptists? Can they wonder that the Southern Christian, spurned and despised by his Northern brethren, should begin to think of dividing the political Union, after he had been taught how to sunder the more endearing ties of christian fellowship and brotherly love? Sir, I am no apologist for secession. It is a heresy for which I find no authority in the Constitution of my country; but I do believe, sir, that it is a heresy first taught by the Abolition party of the North, and instilled by them into the Southern heart. I believe, sir, with that sagacious statesman, Horatio Seymour, that this rebellion was caused, not by slavery, not alone by Abolitionism, but in consequence of a growing disregard for the Constitution and laws, both at the North and South. I repeat, sir, that, I am no apologist for secession. Neither, am I deluded by that more ingenious and artful plea that secession is revolution. A revolution is defined to be: A material or entire change in a form of Government." The design of violent revolution is to eradicate some evil in the Government which cannot be accomplished by legal and peaceful means. Can we then call secession truly a revolution which does not seek to eradicate any evil existing in the Government, but would overthrow and destroy the Government itself? There, sir, was the fatal mistake of the Southern leaders. They sought to eradicate no evil in the Government. They did not distinguish between Abolitionism, Democracy or Republicanism, but at one fell blow they sought to strike down the Government itself, burying Republicans, Abolitionists and Democrats beneath the ruins of a common country. Sir, true revolution never seeks the destruction of a country. Its object is to purify, regenerate; to save, not to destroy. Like the lightning and the storm, though it ruffles for a time, it leaves the sky calmer and more serene, the air more balmy than before its existence. If our Southern friends were really revolutionists they should have unfurled the old flag and battled under it for their Constitutional rights. If they regarded Abolitionism as an evil which threatened to subvert the Constitution and the Union, they should have hoisted the standard of revolution, and proclaimed warfare *in the Union* upon the men who denounced the Constitution and resisted the execution of the laws. This, sir, would have been revolution. Had they done this, thousands of noble, patriotic men everywhere would have united with them in the destruction of a common enemy. But when they unfurled an alien flag, and proclaimed themselves the advocates of a separate nationality, they placed themselves in antagonism to the country itself, forfeited the sympathy of their friends, and nerved the arm of every patriot against them.

I repeat, sir, that I am no apologist for secession, and neither am I an apologist for abolitionism. If I regarded this ordinance as a concession to that party, I should vote against it. With my proposed amendment added, it is not a concession to them. We will then simply submit our ordinance of gradual emancipation to our own people, to be voted upon by them. I do not believe this slavery agitation will ever end until the people can have a full, fair vote upon the question of emancipation. Yet, sir, so bitter is my antagonism to the Abolition party—a hostility engendered by early prejudice and intensified by the convictions of maturer years—that if, at the time of the popular vote on this ordinance, I think that its passage will give aid and comfort to that party, I shall vote against it. So help me God, I shall do nothing to encourage a revolutionary, destructive policy, which I fear will bury in the same bloody grave American institutions and American liberty. All sectionalism is bad enough; but Abolitionism is aggressive sectionalism, the most hateful of all. Like the fanaticism of Mohammed, it seeks to propagate its tenets by the sword—to force its own Northern civilization, habits and customs upon the more tropical regions of the South. Deaf to the voice of history, our abolition friends will not learn that such attempts have always resulted in unmitigated evil. The policy they desire to pursue towards the South, was tried with Poland—with Ireland. Chained to the conqueror's car they passed under the "Caudine forks." Their subjugation seemed complete—yet generations have passed away, and still in sympathy, in unity of sentiment, in all the elements which make a people one, Poland has never become a part of Russia, nor Ireland a part of England. The restless spirit of liberty—of unconquered hate and unforgotten wrong—still burns unquenched in the hearts of their descendants, and like the volcanic fires in the bosom of the earth, the flame of rebellion bursts forth at every favorable opportunity.

Sir, our Abolition friends call themselves Union men, but they act as though they were

the enemies of the Union. In addition to pursuing a policy which seems designed to make the war perpetual, they have added new and herculean labors to the task of saving the Union. Unwilling to simply suppress the rebellion and restore the supremacy of the Constitution, they seek, also, to overturn and revolutionize the whole social system of the South—to free the slave and subjugate the free—a task far more difficult than that of merely suppressing the rebellion. Yet, sir, if slavery is the cause of the war, and it were possible for its destruction to save the Union as it was in all but slavery, our Abolition friends are right in saying it should be destroyed. I value no institution above a good and noble Government, for which I have perilled my life. But, sir, even the President of the United States does not seem to agree with the gentleman from St. Louis, (Mr. Drake,) in the opinion that slavery is the cause of the war. He has refused to abolish slavery in Kentucky, Maryland, Missouri and Tennessee—in fact, has refused to abolish it wherever he had the power to do it, and only proposed to destroy it where he had not the power. Surely if the President regarded slavery as the cause of the war, he would not permit the institution to exist where he had the power to destroy it. He would certainly not allow General Banks to return slaves to their former owners, in Louisiana, even as hired servants, as he must know, that if the Union is restored, and Louisiana remains a State, those slave-owners will again become law-makers, and will re-enslave their negroes. It is plain, sir, that the President does not regard slavery as the cause of the war; but merely attacks the institution within the rebel lines, as a war measure, in order to weaken the rebellion. Yet, sir, while I differ with the gentleman from St. Louis as to the cause of the war, I will admit that the conflict between Abolitionism and slavery has become so embittered, that they can never again peacefully exist in the same Government. One or the other must perish. If we would save the Union, we must put down Abolitionism or destroy slavery. I would prefer, sir, to put down Abolitionism, because it could be done peacefully at the ballot-box. It could be done without wrong, violence and bloodshed—without the annihilation of our countrymen or national ruin.

It may be true that there would have been no rebellion had there been no slavery; but it is equally true that there would have been no rebellion had there been no abolitionism. This Union was loved, venerated by all sections. It cost the Southern heart many a bitter pang to abandon it. It had been a benefit to the South as well as to the North. Under its broad shield both sections had grown in wealth and power. Let us brush away the antagonisms that separate us; let us hurl these abolitionists from power, and I believe this Union would soon be restored. I believe, sir, it would soon restore itself, even if we made no further effort to save it by force.

But if, sir, we are to save the Union by destroying slavery, instead of putting down abolitionism, let us bare our arms for the work. Burn the Constitution, for it will condemn our policy. Overthrow the Judiciary, and suppress the freedom of the press, for their teachings will corrupt our people and make them Copperheads. Let us have no half-way measures. Depose Mr. Lincoln, and make some Missouri Charcoal military dictator. Let our columns of invasion sweep down upon the South like the hordes of Attila, and let not a blade of grass grow upon their track. Let us have no more talk about constitutional rights and the claims of loyal men, but destroy slavery everywhere. True, our destructive policy will necessitate the extermination of six millions of Southern people. The blood of Europe's noblest chivalry courses in their veins, and they will die, bravely die, in defence of their altars, their firesides, and the institutions they inherited from their fathers. But what of that, sir? We have four to one. Unfurl the black banner, and clean up as we go. Leave no houses, for they will shelter your enemies and protect their families. Spare not the women and children, for they will produce subsistence for the men. Steel your hearts against the cry for mercy, even though it gushes forth from the rosy lips of beauty; aye, spare not even the infant at the mother's breast, for the memory of the wrongs of his race will be a pledge of eternal hate between him and you, and, if he lives, he will live but for revenge and rebellion. Pursue this radical policy, gentlemen, and when you have finished, your work will be thorough and complete. True, you will have left the South a ruin — a wilderness, peopled only by the African savage. True, you will have destroyed the market of the Great West, and its cattle, grain, breadstuffs, beef and pork will be a drug, for which there will be no demand in future. Eastern vessels will no more do a prosperous carrying trade for Southern ex-

ports, and no more will a revenue of two hundred and seventy-five millions of dollars per annum, from the cotton and sugar of the South, flow into the coffers of the nation. You have but to turn to Jamaica, to Hayti, and the other free negro islands of the West Indies, and you will find that where the negro has been freed production has ceased. The labor of the slave must be compulsory. Freedom with him means simply freedom from work. Yes, gentlemen, pursue this radical policy, and when you have finished your task you will have struck a death-blow to the cause of American progress and civilization. But what of that? You will have saved the Union, or rather you will have annexed Africa to the Union. And you will have peace. It may, perhaps, be the peace of the graveyard; but it will be a most profound peace — unless, perchance, like England's bloody Richard, you are haunted by the ghosts of your victims, who may rise upon your visions of the night, to curse and to condemn you. But I am wandering.

There are also many gentlemen who object to taking any action on this question of slavery, because they have no hope that good results will flow from any policy which we may inaugurate here. They very truly assert that our action will not satisfy the Radicals, who are determined to continue this agitation until slavery is destroyed by revolutionary violence, and feeling that they can do no good, they would not make a concession which will avail nothing. But we have been informed by gentlemen, who have the best means for information on the subject, that the military authorities will respect our action, and will no longer permit Abolition thieves and jayhawkers to steal negroes and pillage the State, as they have hitherto done. But in any event, sir, we have over fifty thousand militia in this State who have sworn to support the Constitution and laws of Missouri. The Governor of the State is Commander-in-Chief of this militia. Under the laws of this State the stealing or running away of slaves is a penitentiary offence. Will these militia disregard their oaths and permit thieves and red-legs to violate the laws of Missouri, which they have sworn to support? Sir, this militia should be taught their duty. The men are well disposed, if properly officered. Bad men get into high positions, and corrupt their soldiers. It makes my blood boil, sir, when I read such incidents as the following, published in the Missouri *Republican* a few weeks ago:

"Some seventy-five negroes, fifteen or twenty of them men, the balance women and children, lately left the neighborhood of Lexington, in this State, for Kansas, taking with them eight or ten wagons, two or three buggies, and forty or fifty horses and mules. The property was taken indiscriminately from loyal and disloyal men. As soon as it was ascertained, Judge Tutt, of the Circuit Court, telegraphed from Lexington to Colonel Penick, at Independence, requesting him to stop the negroes and retake the stolen property from them. To which the Colonel replied as follows:

"'To John A. S. Tutt: If I take the horses from them, they will take others here. We have no more to furnish your negroes.

W. R. PENICK, Colonel.'"

And this man, sir, was in the service of the State, and sworn to support the laws of Missouri! Could he imagine that the laws of Missouri tolerated theft or robbery, that he would allow seventy-five negroes to pillage loyal men, and refuse to arrest them or retake the property? Did it matter, sir, whether the thieves and robbers were white or black? All such men, who wilfully disregard their oaths, should be disgracefully dismissed from the service. When our militia are properly officered by honest men, who will not perjure themselves, then, sir, we may expect negro-stealing, robbery, and general license, to cease, but not till then. Let our Chief Executive bare his arm to the work, and see that the laws are enforced. Yes, gentlemen, let us give honest men a fair opportunity to vote on this question of emancipation at the ballot-box, and we must rely upon the military to put down the bushwhackers, negro thieves, and red-legs, that infest our borders.

Like the gentlemen to whom I allude, I have deprecated the lawless spirit abroad in the land. I have deeply deplored the numerous outrages perpetrated in the name of the Union—deplored them, not for themselves alone, but because they were portentous of greater evils to come. I regret them, for the reason that they indicate failing vitality in the Union ranks — because they show that the Union party is fast losing the law and order characteristics which were its crowning glory in its early struggles with rebellion. Sir, anarchy and lawlessness are always the accompaniments of failing life. If our Union falls, we may expect that Pandora's box will be opened, and that robbery, murder and rapine will stalk abroad, bare-faced, in the

light of day. When a nation dies by violence these bloody spectres always gather about its grave.

It may be, sir, that the gloomy, starless night will yet grow darker, and that the spirit of lawlessness will continue to increase in our midst. God only knows! But let us, at least, do our duty, our whole duty, as Missourians and patriots. Let us sacrifice every prejudice, exhaust every effort, to avert the fiery tempest of desolation that now lowers above us; but if all is vain — if Abolition red-legs, thieves and jayhawkers shall still be turned loose upon our devoted State, to pillage and murder our defenceless, unhappy people — if this is to be the reward of Missouri's patriotism, her sacrifices of her thousands of gallant dead, bleaching upon her country's battle-fields, be it so, sir; be it so! But let Missouri still cling closely to the Constitution, claiming its protection! Let her stretch her arms in invocation upon the altar of her country, even though her life blood shall stain that altar; and if fall she must, let her fall with the banner of her fathers over her, in all the freshness and vigor of her young life, and in all the glory of untarnished patriotism. But when she has fallen, and the bloody arm of sectional fanaticism is brandished in triumph over her, fling upon her bier the faded garlands of her hopes, and wreath around her, for a winding-sheet, the proud old flag she loved so well. But when all is over, and posterity in other and better days shall gaze upon her mangled and bleeding bosom, she will need no nobler epitaph than, "Here lies Missouri, the victim of her own patriotism — murdered, murdered in the house of her friends!"

Mr. STEWART. I have listened with a great deal of attention, and a great deal of respect, to the ebullition of patriotism coming from my ardent friend from Chillicothe. I have heard it all, and I have attempted to digest it all. But the gentleman does not seem to realize the fact that there has been a radical change in public sentiment in Missouri, a revolution effected not by guns but by brains; and it is a revolution, Mr. President, that we are bound to respect, whether Copperheads can see it or not.

[Some disturbance here occurred in the gallery, whether laughter or applause, the reporter is unable to determine.]

Mr. GANTT. I move that the galleries be cleared.

Mr. BROADHEAD. I have no idea that any demonstration will occur again, and I do not see that the disturbance warrants our clearing the galleries.

Mr. STEWART. I call for the ayes and noes.

Ayes 2, noes 73.

Mr. GRAVELLY. I offer an amendment, to be decided after the amendment of the gentleman from St. Louis shall have been voted on, as follows:

"It shall be the duty of the General Assembly, at its first session after the passage of this ordinance, to devise means for ascertaining the number of slaves belonging to loyal citizens, and to appropriate the sum of three hundred dollars for each slave made free by that ordinance belonging to such loyal owner, to be paid to said owner."

The PRESIDENT. The question is on the amendment of the gentleman from St. Louis (Mr. Drake).

Mr. BUSH. Mr. President, the ordinance which I had the honor to submit was not offered by me as a substitute for the ordinance reported by the majority of the Committee, for the obvious reason that such a proposition would have been defeated at once. This body expects to agree on some ordinance based on the majority report, and I desire to promote, not to delay, its action. I merely reserve to myself the right to present the ordinance contained in the minority report as a substitute at a subsequent stage of the proceedings.

The first amendment offered, and now under consideration, proposes to change the year 1876 to 1864. Those who vote for this amendment will place themselves on record as being in favor of the principle embodied in the minority report. I beseech all those who have emancipation at heart to vote for this amendment; it does not even necessarily involve immediate emancipation, as provisions for apprenticeship may be attached thereto. Apprenticeship is a system of labor different from slavery in so far only, that it recognizes the full right to *labor* in place of *property* in man. It elevates the chattel to a human being, the slave to a servant; it prepares him for freedom, it does not make him a free man, much less a citizen or equal of the white man. If it were simply a question *of time*, a question whether slavery should cease in this State in 1876, or in 1864, I might not feel strong enough to resist the warm and eloquent appeal of those members of this Convention who speak on behalf of the slaveowners. Although convinced

that they do not correctly understand the true interest of the slaveowners, much less of this State; although holding that the interest of the whole is far more important than the interest of any part or class of citizens, however influential, I might, under different circumstances, admire and praise the liberality of those patriots and statesmen around me, who seem ready to sacrifice an institution so valuable in their opinion, without a cent of compensation, though it be twelve years hence. But I can neither admire nor praise a liberality which is fruitless alike to the grantor and the recipient.

The real question is *not* whether slavery shall cease in 1876 or in 1864. *In*voluntary has in fact disappeared in 1863; it is *now* a mere voluntary servitude. The slave frees himself when he pleaseth, and the master is glad when his slave goes off without taking a horse or mule along; and, unless you adopt a very early period of emancipation, your ordinance will find but very few slaves to emancipate. Mr. President, I doubt whether I am strictly in order in thus enlarging on this subject at the present moment; I will therefore await another opportunity to discuss this question, and for the present merely vote *aye*.

Mr. EITZEN. I have been instructed by my constituents to vote for immediate emancipation.

Mr. HITCHCOCK. In voting for this amendment I wish it understood that I vote for it as an indispensable branch of the ordinance, but which I regard as being far from what it ought to be. I vote *aye*.

Mr. LINTON. I shall vote for compensation to loyal slaveowners, and I now vote for this amendment.

Mr. MORROW. I wish to state in explanation of the vote which I shall give upon the amendment now before this body, that I am of opinion that the sooner we get rid of slavery the better for our State. But to vote for emancipation at as early a date as the first of January, 1864, without first providing some means to pay loyal men for this species of property, would be doing them great injustice.

Mr. STEWART. I vote *aye* because I believe in keeping the proposition up, subject to further amendments.

The amendment was lost by the following vote: Ayes, 18; noes, 65. Sick—Mr. Leeper.

The following members voted aye:

Messrs. Allen, Baker, Bush, Drake of St. Louis, Eitzen, Gravelly, Hitchcock, Isbell, Lindenbower, Linton, McClurg, McDowell, McLean, Meyer, Noell, Scott, Stewart, Shanklin, and Walker.

Mr. BRECKINRIDGE. I desire to offer the following ordinance as an amendment to the majority report of the Committee on Emancipation. It is the same which I had the honor to introduce some days ago. I offer it by way of amendment, as it introduces a new element, namely, that of apprenticeship. I move to amend by striking out all after the ordaining clause and inserting the following:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abolished.

Sec. 2. From and after the first day of January, A. D. eighteen hundred and sixty-four, slavery and involuntary servitude, except for crime, or as hereinafter provided, are abolished, and all slaves on that day within this State are hereby declared to be free: *provided, however*, that they and their issue thereafter born shall thereupon be and become indentured apprentices to their former owners, their assigns or representatives, and as such held to service and labor from that date until the fourth day of July, A. D. eighteen hundred and seventy-six, and no longer.

Sec. 3. No apprentice of the class provided for in this ordinance shall be removed from this State during the term of his or her apprenticeship; and it shall be the duty of the Legislature, without delay, to pass laws with appropriate penalties to prevent the same.

Sec. 4. It shall be the duty of the Legislature, without delay, to pass laws: To secure the humane and proper treatment of said apprentices by their masters and mistresses respectively; to secure the return to service of any such apprentice who shall abscond or depart from the service of his or her master or mistress; for the punishment by fine or by imprisonment, or both, of every person who shall counsel, persuade, entice, or assist, any such apprentice to run away or absent himself or herself from the service of his or her master or mistress; and of every person who shall entertain, harbor, or conceal, any such apprentice, knowing him or her to be a runaway, or to

have absented himself or herself, without leave, from the service of his or her master or mistress; to provide for the creation of a fund by taxation or otherwise, and for the proper distribution and application thereof, for the support of all free blacks who shall become free under the operation of this ordinance, and who by reason of extreme youth or age, sickness, insanity, idiocy, or other cause, are unable to maintain themselves.

Sec. 5. The right to the services of any such apprentice may be relinquished by his or her master or mistress, by deed duly acknowledged and recorded in the office of the recorder of deeds of the county in which the grantor resides, and thereupon the said apprentice shall be free from all claim of service.

Sec. 6. No future assessment of slave property shall be made in this State, and taxes now assessed against such property shall not be collected, nor shall the right to the service of apprentices under this ordinance be held for any purpose to be the subject of taxation.

Sec. 7. Section one, section two, and section three of this ordinance shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and sixty-four; sections four, five, and six, shall take effect and be in force from and after their passage.

I trespassed so long upon the very kind indulgence of the House some days ago, in advocating this ordinance, which I thought it my duty to submit, that it is unnecessary I should now speak at any length. I desire simply to say that I voted against the amendment introduced by my colleague (Mr. Drake), providing for emancipation on the 1st of January, 1864, because I have such a distinct conviction that it should have been coupled with some provision for apprenticeship that I was not willing, in the absence of any such provision, to seem to approve it, being satisfied that very great evils would result to the whites as well as blacks, and indeed to the whole of society, by immediate emancipation not connected with any conditions to secure the welfare of those emancipated.

The proposition I now make is not for immediate emancipation. It is immediate in this, that it fixes an early date for the partial enfranchisement of the slave; but it attaches certain conditions to qualify him for absolute freedom; and I think, sir, this may be done in perfect consistency with the peace, order, and tranquillity of society. I think this is as near an approach as can be made to a compromise between the conflicting views of those who desire a longer period to elapse before emancipation is consummated and those who prefer that it should be immediate.

I discover by private conversation,—and I am very sorry to make the discovery,—that considerable prejudice exists in the minds of some gentlemen owning slaves against any system of apprenticeship. I greatly regret it, because I apprehend it may lead to the rejection of any such measure of emancipation as might otherwise be adopted. I have earnestly sought from the more candid of these gentlemen with whom I have conversed, some statement of the ground upon which that objection was predicated; but I am compelled to say, sir, that while I have earnestly sought to be advised if I had fallen into error, I have yet to hear the first intimation, or the smallest reason, why it will not answer, except the somewhat vague statement that "it won't do." It is within the knowledge of the Convention that no answer whatever has been made before it to the arguments made in support of it. I shall be delighted, if, during the progress of the debate, gentlemen will enlighten me with their reasons for their opposition, and the grounds of their opinion that a system of apprenticeship will not prove a benefit to the master as well as to the slave, and is not a method admirably suited to our present condition. I sought to show, the other day, and I still adhere to the opinion, that tumult and disorder were not to be anticipated as the result of its adoption; that, instead of creating dissatisfaction on the part of the slave, it would introduce an element which would tend to induce content and cheerfulness, and make him willing, after his prolonged servitude, to remain a laborer who would prove valuable. I find no gentleman who is willing to express the opinion that such a feature introduced into the ordinance of emancipation would make the class idle, because the machinery is contained in the ordinance by which he can, however disposed to idleness, be made to labor as he did as a slave. I only express my regret that this prejudice exists; and my earnest desire that if there be any rational foundation for it, it should be stated.

There is, Mr. President, a very commendable disposition on the part of members of the Convention to dispatch the business before the House without any unnecessary delay. But we should be careful to avoid too great haste. While properly anxious to bring our session to a close as speedily as possible, we should be willing, in dealing with a subject so difficult and important, to grant the widest latitude of debate to members; and I trust that the conviction entertained by me, in common with other members, as to the course which should be adopted, will receive such deliberate consideration as the magnitude of the question requires.

What favor this ordinance may meet with I do not know. I have made no effort to ascertain, in private; nor do I know how many gentlemen will support such a plan, however modified. I have endeavored to make it as complete and efficient a plan as I could; and I endeavored, as it was my duty to do, in my argument at length, some days ago, to commend its adoption by all the reasons that presented themselves to my mind. I only hope, if this body shall, in the exercise of its wisdom, determine to reject it, that the lapse of a year may not show it to have committed just such another error as gentlemen now admit they committed one year ago in refusing to take any action on the question of emancipation. I certainly do not desire that any superior wisdom of mine should be demonstrated, by the lapse of year, which shall show that this body did wrong in rejecting it. Whatever is done—whether my views as to the best method should prevail or not—I trust the result will prove it to have been wisely done.

I do not think, Mr. President, that any discussions as to the origin of this rebellion are profitable here, or likely to aid in a wise solution of this question. I have a very distinct opinion as to that; but I think we have nothing to do with it here. The necessity for action on our part, in dealing with the local trouble, is admitted, and the question is, what is the remedy? among the many possible methods of emancipation, which is best for us? We need not go back, as the gentleman from Clinton (Mr. Birch) has done with such care, for twenty, thirty or forty years of national difficulty, searching for the causes of our trouble, when the fact is admitted that here is the difficulty with which we have to grapple.

I am profoundly convinced that emancipation is a necessity for the State of Missouri. I came to the Capitol with the purpose of doing all I could to induce the adoption of some system of emancipation. I came pledged, in consonance with my oath, to endeavor to secure the adoption of that plan which seemed best adapted to the emergency. Having done that, sir,—having discharged my duty,—if it shall please the majority to reject the method which I think best, I shall still endeavor to secure the best plan that can be obtained; and I do not intend to leave the Capitol, God willing, without voting for some emancipation ordinance which shall be adopted; if not the best according to my convictions, still one that will secure the great end desired. I take occasion to say this now, because I have learned that, among the friends of emancipation, and even among those who reckon themselves the most earnest and decided friends of emancipation (though I yield to none of them in the earnestness of my advocacy of it)—among whom I number some of my most valued friends—there are those who avow that if they cannot secure the adoption of some chosen scheme, they will refuse to support any. I desire to say to them, in all kindness, as a friend wishing as earnestly, but not perhaps more earnestly than they do to promote the best interests of Missouri, that such a course is not, in my judgment, consistent with their avowed convictions, just to the people, or wise in itself. Let us endeavor to secure from this body that plan of emancipation which is the best it is the will of the majority to give. Let us endeavor so to modify it as that it will most nearly approach the plan we prefer. Let us then trust the consequences, feeling assured that we, individually, have done our duty; for, if the plan adopted be one which we think is not likely to secure the best results, still this grand result will have been accomplished: that, in a State wedded heretofore to slavery—suffering from slavery,—in a State dying, as it were, from its burdens, and from the strife and agitation it entails, we have at last, by our fundamental law, recognized the fact that slavery is an evil—a source of trouble and evil only—and have provided for its eradication. By the adoption of some wise plan for its extinction, we may secure peace and quiet; we shall certainly lay the foundation, broad and secure, of future prosperity. This is what we desire; what our constituents demand, and what, in justice to our suffering State, we are bound, if possible, to secure.

Mr. BONNIFIELD, delegate elect from the Ninth Senatorial District, (in the place of R. A. Brown, resigned,) presented his credentials through Mr. Sheeley, and was sworn in as a member of the Convention by the Hon. G. W. Miller, and took his seat.

Mr. SCHOFIELD asked and obtained the leave of the Convention to change his vote from *no* to *aye* on the vote on Mr. Drake's amendment.

Mr. GRAVELLY. I gave notice that I would at the proper time offer an amendment for compensation to the slaveholders of this State. I shall vote for the amendment of the gentleman from St. Louis, and therefore avail myself of the privilege of offering this amendment to his amendment. I simply desire to state, that while I shall vote for immediate emancipation, I am not willing to do so without voting for compensation to loyal slave owners. I would never vote to take property from a loyal Union man without making due compensation:

"It shall be the duty of the General Assembly, at its first session after the passage of this ordinance, to devise means for ascertaining the number of slaves belonging to loyal citizens, and to appropriate the sum of three hundred dollars for each slave made free by that ordinance, belonging to such loyal owner, to be paid to said owner."

Mr. DRAKE. I call for the ayes and noes.

Mr. PREWITT. I conceive, sir, if this amendment to the amendment is to be of any advantage to the slave owner, that provision for raising the money ought to be made before the slaves are liberated.

Mr. JACKSON. I have the honor, sir, of representing the Eighth Senatorial District, but it has not been my good fortune to circulate much among my constituents of late. My duties have taken me to another part of the State; but I have taken pains to familiarize myself with their views. The people are expressing their sentiments, through public meetings, and requesting their delegates to go for emancipation; and I think I am not mistaken in saying that the prevailing sentiment favors *speedy* emancipation. I would prefer to vote for an ordinance of emancipation to take effect in 1865, with apprenticeship. I am fully aware that without concessions nothing effective will be accomplished; but I trust that the united wisdom of the Convention will result in an ordinance that shall give general, if not universal, satisfaction.

Mr. BRECKINRIDGE. It seems to me that this amendment to my amendment ought not to have been offered at present; it leaves my amendment in such a condition that it will be inconsistent with itself. The compensation clause, as introduced, does not seem to me to be in such a form as, if adopted, to be of any practical value. If any practicable scheme of compensation can be adopted, I shall be happy to vote for it, but it is a matter that will have to be devised with great care.

Mr. GRAVELLY. The amendment I propose to add to the second section, and I do not think it would destroy the sense of it. I frankly confess that I regard apprenticeship as a mere matter of paper law, and that nothing will come of it. Compensation I regard as a more practicable thing; I have been in favor of it from the first, and am still.

Mr. HALL of B. The question, I understand, to be on the amendment of Mr. Gravelly to the amendment of Mr. Breckinridge. I vote *aye*, inasmuch as I am imperatively instructed so to vote by my constituents.

Mr. RITCHEY. I shall vote *aye* upon this proposition, with the understanding that I shall vote *no* upon the next.

Mr. SOL. SMITH. I feel great embarrassment how to vote upon this question. I should certainly be very willing to give three hundred dollars for each slave to every loyal owner; but the difficulty is, where is the money to come from? I endeavor to make it a ruling principle not to promise money unless I know where it is to come from. I think, too, the amendment may have the effect of embarrassing the passage of the resolution under consideration. I must vote *no*.

Mr. STEWART. I shall vote *no*. I would like to know where the money is to come from; besides, I prefer to leave the whole thing to the people.

The ayes and noes being taken, the amendment was agreed to.

AYES—Messrs. Bass, Bast, Bogy, Calhoun, Comingo, Deal, Duvall, Doniphan, Douglass, Drake of M., Dunn, Frayser, Flood, Gorin, Gravelly, Hall of B., Hall of R., Holt, Hough, Howell, Isbell, Jackson, Jamison, Johnson, Linton, Marvin, Matson, McCormack, Morrow, Moss, Moxley, Norton, Pipkin, Prewitt, Ritchey, Ross, Rowland, Shackelford of H., Shackelford of St. L., Sheeley, Walker, Welch, and Woodson—43.

NOES—Messrs. Allen, Baker, Bartlett, Breckinridge, Broadhead, Bridge, Bonnifield, Bush, Cayce, Drake of St. L., Eitzen, Foster, Gamble, Gantt, Henderson, Hitchcock, Holmes, How, Irwin, Lindenbower, Long, McClurg, McDowell, McFerran, Mc-

Lean, Meyer, Noell, Orr, Phillips, Pomeroy, Schofield, Scott, Shanklin, Smith of L., Smith of St. Louis, Stewart, Vanbuskirk, Waller, Woolfolk, and Mr. President—40.

SICK—Messrs. Rankin, Sayre, and Leeper.

EXCUSED FROM VOTING—Mr. Birch.

Mr. FOSTER. I desire, Mr. President, to offer an amendment to the amendment providing for the abolishment of slavery on the 1st of January, 1870; the Legislature to provide for maintaining the destitute, and to provide for apprenticing all under the age of twenty-one years; no negro or mulatto to exercise the elective franchise; slaves from other States excluded; and the ordinance to be submitted to the people, for their ratification, in August, 1863.

Before I enter upon the discussion of the merits of the amendment which I have just introduced, I desire to say that I do not intend, by any remark of mine, to cast any reflection upon any gentleman of this body, but shall, in my feeble manner, speak of the measures and the peculiar institution we are now called to act upon, and perhaps, to some extent, of the surrounding circumstances. Mr. President, I do not believe that the people of this State desire the proposition of the gentleman from St. Louis (Mr. Breckinridge), for this reason: In my opinion, immediate emancipation is not desired; nor do I believe that it is for the interest of the loyal slaveholder; nor is it, in my judgment, for the interest of the State at large. Mr. President, in a change of the labor system of any State, we must expect some of its citizens to suffer a serious loss; hence some of its people cannot be remunerated, as justice seems to dictate they should be. But as I conceive our financial embarrassment as a State is such that it is futile to talk of compensation to loyal owners in any other way than by a gradual or future abolishment of slavery, giving to the owner the service of his slave for a term of years, and an opportunity, if one should present itself to the loyal owner, to remove his slave property to some State where slavery does and will exist, or an opportunity to convert his slaves into other property, I desire to be distinctly understood that no act of mine will ever deprive such men of their property without giving them a chance of an exchange of property. Mr. President, I am opposed to this proposition for immediate emancipation, with apprenticeship, for another reason, which is this—it seems to me to be a proposition whose object is simply the freedom of the negro, and not the removal of the institution; in other words, it is a veil from behind which almost every Abolitionist in the State is peeping out and saying, "It is well devised; now we will be able to deceive the masses." But, sir, the people are not to be deceived in that way.

This question has been thrust upon the people prematurely. The calamity of the war was all-sufficient to excite the people without the agitation of this subject. But it has been forced upon us, and now let us meet the emergency like men; this I believe to be our duty, and the amendment which I have just introduced I consider to be, in its tendency and intent, fair and just. And allow me, Mr. President, to say that I regard it as a compromise measure between the two extremes, and I assure you that I intend it as such whether it is so regarded by the Convention or not; for I am desirous that this body shall act upon this question, and not being an extremist myself, I do not expect to act with either of the two extremes, to wit: for the proposition for 1864, or that for 1876. I cannot support the former, for the reasons already given, and I will not support the latter, because I am of the opinion that the force of circumstances requires that Missouri should be a free State, and that emancipation should take place at a much earlier date than 1876. I believe further, that the people who desire the institution of slavery removed from our statute book desire it at a much earlier time; and if it cannot be accomplished by the year 1870, it cannot affect in any way, or assist in the settlement of our national troubles, and in this view I concur. It cannot now be denied that the negro is brought up in every public matter in our country; hence it is continually agitated for political purposes, and not for the settlement and suppression of this unholy and wicked rebellion, which has prostrated our State, and laid in waste its productive farms. Yes, even worse; thousands of Missouri's noblest sons have perished in the struggle, defending their firesides and their homes. Yes, even worse, if possible; hundreds and thousands of widows and orphans are almost upon the point of starvation in consequence of the acts of those who endorse the doctrine of secession; and whatever may be the fate of the institution of slavery in this State, I am prepared to charge the immediate and direct cause of the destruction of not only that property but all other, to this accursed doctrine and its advocates. I cannot come to any other conclusion, because, without this doctrine and its ad-

vocates, we would not have had this war; hence all this loss of life and destruction of property would have been obviated, and we would be a happy and prosperous people to-day. Mr. President, viewing this matter as I do, then, it is not to be thought strange that I am willing to divest myself of all my former prejudice in favor of this institution, and pursue the course that seems to me to be the interest of the State and the welfare and happiness of its people. I confess I cannot, from our embarrassed condition, deal with this question as I should if our condition were different. But, representing a generous and magnanimous people, as I do, I feel fully satisfied that they will take a reasonable view of this question in all its bearings, and deal with me for my acts as their representative as they may think proper, and therewith I am satisfied.

Mr. President, it is contended by some that this body has no power to deal with this question, and they argue that it would be robbery to take away slaves without compensation. But I regard such as mere statements, without any authority to warrant their assertion. They are unmindful that under our system of government all power emanates from the people, and that the people through their delegates made the Constitution, and the Constitution provides in express terms how that instrument may be altered or amended; the first is by the General Assembly to propose the amendment and the next General Assembly to ratify; then such amendment becomes and is a part of the Constitution. The second is by a Convention elected by the people. Now, Mr. President, I presume it will hardly be denied that this body was elected by the people; hence, if that be true, I cannot believe that any one, on a sober second thought, will deny the authority of this body. I admit that the exercise of such authority might be questioned; in my judgment, however, the power is clear. But this species of argument, if it is entitled to that term, is used as a kind of *threat* to awe gentlemen, and make them fear the threat that, if they support an emancipation scheme, they will become the robbers.

Sir, such threats as these are entitled to the same weight as the assertion of the Secessionist, that, if a man is a determined *Union* man, and would not falter from the defence of our country, such a man comes to be a thieving Abolitionist. All such threats come to me as equally gratuitous, knowing, as I do, all such to be mere assertions, not sustained by reason, or even supported by truth. Others, again, say that they would support a proposition of emancipation, if the President would give additional guaranties during the term of years to elapse before emancipation shall take place. Mr. President, I do not ask any such thing of the President of the United States. I have no doubt that if this body passes an amendment to the Constitution for the emancipation of slaves, he will do what is right toward the people of this State.

Sir, I am one of those who believe that this whole question belongs purely to the people of the State of Missouri, and that no other people upon God's green earth have any right to be heard or consulted in regard to the institution of slavery in this State. If the institution has been a blessing, they alone reap the benefits; and if it is a curse, they alone have brought the evil thereof, and must suffer the loss and destruction of the same. Mr. President, I cannot support the proposition of compensation, for several reasons: First, because of the financial condition of the State being so embarrassed that in my judgment such a proposition is futile and idle; second, because I look upon an investment of means in slave property as I do upon an investment of means in any other property in which the investor is greatly the loser by some unfortunate force of circumstances beyond his control. The force of circumstances by which we are surrounded are such that slave property has become almost entirely worthless to the owner, and so it is with many other chattels within our State; the force of circumstances has reduced the cash value of them to a mere pittance. In regard to real estate, the force of circumstances is such that so far as its cash value is concerned, it is nominally nothing; and yet no one thinks that any one ought to be remunerated for the loss or depreciation. All these various kinds of property have been depreciated in value by the same force of circumstances, the result of the present rebellion, all of which I regard to be unfortunate, to say the least; but I could not levy a tax upon the people to make good the losses sustained by reason of the rebellion, in real, or personal, or slave property, for I regard them all as standing upon the same footing. I could give other reasons to support this view, but will not pursue this branch of the subject further.

Mr. President, there are some other features in my amendment that I like better than the amendment to the original proposition, which

I will not argue; but permit me to remark that I would not support any proposition that is not submitted by this body to the people. There are other provisions in my bill that, in my judgment, are equally meritorious, but I will not trespass upon the Convention by speaking of them now. I may do so on some future occasion. I beg the Convention to excuse me for trespassing longer on their time than I had intended.

The amendment was lost by the following vote, the ayes and noes being called by Mr. Meyer: Ayes, 2; noes, 76.

Mr. HENDERSON took the floor, when, on motion of Mr. Hitchcock, the Convention adjourned to Thursday, June 25, at 9 o'clock A. M.

TENTH DAY.

JEFFERSON CITY,

Thursday, June 25, 1863.

Convention met at 9 A. M.

President in the chair.

Prayer by the Chaplain.

On motion of Mr. ISBELL, the reading of the journal was dispensed with.

By permission, Mr. LEEPER recorded his vote in favor of Mr. Drake's amendment to the ordinance presented by the Emancipation Committee, as he wished it to be distinctly understood that he was not afraid of the people, and should vote for no measure that was not to be submitted to them.

An ordinance was presented by Mr. Lindenbower, entitled "An Act to amend the ordinance providing for the organization and government of the Missouri State Militia," approved October 18, 1862; which was referred to a committee of three, consisting of Messrs. Lindenbower, Shackelford of Howard, and Bogy.

A motion was made requesting the committee appointed to wait on the Governor and request the withdrawal of his resignation, to report to-morrow morning.

Mr. DRAKE. I suppose there will be no controversy on this.

Mr. HALL of R. There will be some controversy. I should be very glad to explain, were it in order to do so. I wish to state, however, that the Governor will be called upon to decide upon a matter of great importance to the interests of the State; and this Convention desires that he should act with deliberation upon the subject; and that we are not inclined to press a hasty decision. I have informed the Governor that the committee would wait upon him after he had maturely considered the matter.

Mr. SOL. SMITH (who spoke from the Secretary's desk) said: I ask the consent of the House for a personal explanation. It has been my misfortune not to have been correctly reported in the few remarks I made the day before yesterday on the subject of the public sentiment of the State; and although I have no complaint to make against the reporter for the brief notice of these remarks, yet it leads to a long article in the *Democrat*, containing charges which I think I do not deserve. I ask leave to read the article, and to make a few remarks thereon:

"THE SENTIMENT OF MISSOURI.

"From the debate on Drake's resolution for an election of State officers, it appears that several members of the Convention have been indulging in remarks respecting the people of Missouri which can be regarded in no other light than as grossly slanderous. In charging upon them an inability to properly and fairly elect their own officers, they accuse them of a want of capacity for self-government. It seems not to be enough for these gentlemen to deprive the people of a privilege which, in all free States, they are supposed to enjoy, but insult must be added to injury. It is a noteworthy fact, that the gentlemen indulging in the strain of remarks alluded to, appear to be perfectly consistent in conforming their actions to their words; for scarcely one of them but is now representing a constituency that would do almost anything before it would vote him into office; and several of them have been instructed to resign. For parties to continue in office under such circumstances, signifies a decided contempt for the people.

"Among others, we notice that Mr. Smith of St. Louis—'old Sol. Smith,' as he is familiarly called—felt moved to speak, and indulged

in some remarks about a 'manufactured public sentiment,' implying, we suppose, that the expression which has come up from all parts of the State, from public meetings numerously attended, and exhibiting an unmistakable unanimity of feeling in favor of the freedom of the State and of distrust of the Provisional Government and its head, is fictitious, bogus, and not an honest public opinion. From what evidence such a conclusion is derived, this 'Sol' fails to enlighten us, or at least the report of his remarks does.

"We suppose the results of the three last elections in St. Louis do not, in Mr. Smith's judgment, indicate the state of feeling existing in this city. We suppose they merely prove 'a manufactured public sentiment,' and Mr. Smith feels no compunction in occupying a seat for which, if he had been a candidate at the last election, when Mr. Drake was chosen, he would have been beaten by from three to four thousand votes. It will do for parties thus misrepresenting public sentiment to sneer at it as '*manufactured.*'

"But because gentlemen, who disregard public sentiment like Mr. Smith, choose to brand its manifestations with epithets of derision, it does not follow that the indications of a great movement of the public mind all over Missouri, betokening one of the profoundest revolutions of modern times, are not real. Politicians who laugh at and defy them will find, right speedily, upon how much of reality they rest. The sentiment of Missouri to-day, whether 'manufactured' or not, in favor of a thorough change of institutions and rulers—of getting rid of the men and measures which have held her back, when neighboring States have been advancing, and which have deluged her in blood while they have enjoyed peace, will be found so real and so strong, that the men who despise it and seek to deny the people their constitutional rights, will be buried so deep, and damned so eternally by it, that they will find their present lease of power very nearly at an end.

"There is something almost ludicrous in fossilized politicians, preserved in public life by the Convention, attempting to justify a flagrant disregard of the public will by such flimsy excuses as that offered by Mr. Smith, that, after all, it is only 'manufactured.' Who, we would like to know, has had the opportunity of getting up a fictitious show of radicalism in Missouri? Have the Radicals enjoyed power, and place, and public patronage which they could use for the purpose of buying up leaders, and newspapers, and other manufacturers of public opinion? If so, we would like to know who the fortunate parties have been. Is the Governor of the State a Radical? Is the Commander of the Department a Radical? What Generals have the Radicals left in Missouri whose heads have not been taken off? What patronage, of any kind, do they enjoy? They have not even had a State organization, and yet radicalism has progressed with a power and a rapidity which not one of us is yet fully able to realize. Under the circumstances, the public meetings and the elections—which have displayed such a wonderful growth of radical sentiment—are the most unmistakably genuine indications of the true spirit of the times which have yet appeared. This fact is displayed, not merely in the number and the enthusiasm of these meetings, and the triumphant majorities of the Radicals in nearly all elections, but in the absence of all counter demonstrations. Whoever hears of a pro-slavery public meeting now-a-days? When and where have the people, in convention assembled, passed a vote of confidence in the "Gamble dynasty?" Nothing of the sort has occurred. And why, let us ask, in conclusion, if Messrs. Smith, Birch, Sayre, and the other 'conservative chaps' of the Convention, who oppose the idea of an election of State officers so violently, really believe radicalism does not exist among the people, are they so averse to letting them choose their own rulers? The ballot-box will best settle the question of whether the radical sentiment of Missouri is 'manufactured' and fictitious, or not."

In the few remarks I made the day before yesterday I distinctly stated that I was ready and willing, and always would be, to obey public sentiment, and that I would, as far as in me lay, represent the opinions and sentiments of my constituents. And as to whether I would be elected or not, though I do not think it is of the least consequence, I will mention that, when Mr. Drake was elected, that gentleman received something like 5,000 votes, whereas I had the great honor of receiving 15,020. Certainly public sentiment *then* (1861) was in favor of my election and the election of my colleagues. There were thirteen of us elected by about that vote. Two, our present Governor, and the late Uriel Wright, who has since been expelled from the Convention, received about 25,000, having been nominated on both tickets. There were two tickets, both professing to be Union tickets; but one was "Unconditional," and

the other was "Constitutional" Union. The latter was put out first as a "Constitutional Ticket," and afterwards changed to "Constitutional Union Ticket," with the word "constitutional" very small at the top, and "Union Ticket" very large, so that to a person reading without spectacles it passed for "Union Ticket." All on that ticket professed to be Union men then; some have proved to be Union men since. Now, it appears there was one Judas among those fifteen that were elected — I refer to Uriel Wright — and it became necessary to elect a person in his place; this was done last month.

It is proper to mention that there has been a division between the Union people in St. Louis, much to my regret. I do not belong to either party, Claybank or Charcoal; I never have belonged to the Republican party even. It was my hope that we might elect to fill the place of Wright an Unconditional Union man, and I hoped that this split in the Union party might be healed in that election.

I nominated Mr. Drake; that is, I was the first to put his name before the public in a newspaper, and I nominated him with the distinct understanding that he should be the candidate of the Union party, and not of the Claybanks or Charcoals; and I said in that article, that if it was to be made a party test as between Claybanks and Charcoals, I should withdraw his name. But the Charcoal clique or party, knowing that he was a popular man — for notwithstanding he has been denounced, as he says, as the most unpopular man in St. Louis, he is, and he deserves to be, a popular man — took him up and made him their candidate. Of course I had no right then to withdraw him. He accepted the nomination, but with the distinct understanding that it was on the platform of his speeches heretofore, which, I say, were not radical in any sense of the word. Mr. Drake was known as an Old Line Whig for many years. It was reported in the newspapers, with what truth I do not undertake to say, that he was afterwards a Know Nothing; he was elected to the Legislature as a Democrat ——

Mr. DRAKE. I should like to know if the gentleman is going to preach a sermon upon Mr. Drake this morning

Mr. SMITH. When the Amen comes the gentleman will know. [Laughter.] That Mr. Drake had been a Democrat, I know from his speeches in this House, while a member of the Legislature, elected to fill a vacancy. He had been an anti-Sunday beer-drinking man, that is certain; but, so far as I know, he had always been a true Union man; I never heard him accused of being anything else; and, from my knowledge of him from a boy up, I feel assured he will never be anything but an unconditional Union man. If he had not been made the party candidate of the Charcoals, I should have voted for him, believing him to be a conservative Unionist, which no vote he has yet given here disproves. The vote then given was no test whatever of *my* popularity, or of the popularity of my colleagues elected two years ago. I know of hundreds who did not go to the polls at all, who were perfectly willing that Mr. Drake should be elected, or Mr. Yeatman either—it made no difference. There was no interest taken in the election, except by the Charcoals; therefore they polled the largest vote. If the full vote of St. Louis had come out, I do not doubt he would have been elected, because, as I say, he is a good Union man; but, at the same time, it will not do for newspapers to disparage those who were not candidates, by saying that they would have been beaten by two or three thousand. Not more than about a third of the vote of our county was polled at this special election.

Mr. Yeatman had been instrumental in getting up the Constitutional Union ticket in February, 1861, and many voted for Mr. Drake in preference to Yeatman on that account. But Mr. Yeatman is a good Union man now, if he was not then, and has shown his loyalty by acts and deeds, not words, as all know who are familiar with the proceedings of the Western Sanitary Commission, of which he is the President.

The last three elections are referred to. In the first of the three, when the Legislature was elected, the Charcoals did not receive a majority of the votes, they received a plurality; so I do not think there is much to brag of. There were three tickets, and theirs received the largest number of votes. The other election was between the two Filleys, and they were both good Union men, as good as Mr. Drake or myself, or any other man, and therefore there was not much interest taken in that election; it made little difference which was elected. We felt sure of having a good Mayor, however the election might terminate.

In regard to the manufacture of public sentiment. I said it was a false sentiment, manufactured for the occasion; and if what I said had been fully reported in the *Democrat*, it

would have appeared that I gave a reason for saying this. I said that a circular had been sent round, and, as far as this circular reached, those meetings had been gotten up to order. In that circular it was said that arrangements were made to have meetings of that kind in every county of the State. That is the basis of my assertion. And now we, who prefer not to be carried away by this false sentiment, are not only to be buried very deep, as has been threatened here, but we are to be damned, according to the extract I read the other day from the German paper. I have not much fear, however, of being damned for what I have done here; had I been afraid of that, I should have left this Convention two years ago. I have been threatened that if I did certain acts I should never reach home alive. I was told in the post-office at St. Louis, and in the presence of forty or fifty people, that if I voted to depose the traitor Claib. Jackson and the treasonable Legislature, that I should go to h—ll! This was told me by a friend of thirty years' standing. But I never minded those threats. I was not deterred from doing my duty then, and I shall not be deterred by this threat now from the discharge of the duties I have been sent here to perform. I do not think they have the power to damn me; no one but the Pope of Rome can do that, and he has no power over *me*, for I am not a Catholic. We are called "fossilized politicians." I am no "fossilized politician," for I am no politician at all. I never have been one, and never expect to be; therefore their curses don't reach me. I don't object to being called a conservative, for that is what I am.

It is said in this paper that we are opposed to the will of the people, and that we object to their choosing their own officers. In my remarks, which are there misrepresented, (not wilfully, I hope,) I said, that although I might concur with the sentiment of the article which I read (from the German paper), I did not admire the language in which it was couched—that is, that the Convention would be damned. That was the amount of it.

The vote requesting Governor Gamble to reconsider and withdraw his resignation I considered but complimentary. If he complies with the request, I think it will be for the good of the State; but if Governor Gamble adheres to his intention of resigning his office, then I think that the other executive officers of the State elected by this Convention should resign gracefully together, following the example of their chief. I have been anxious all the time to give back to the people the powers they gave us, and have intended to give them the election of Governor the first opportunity that offered. I think, now that the cap-stone of the building is off, the people should be allowed to build the edifice anew. I do not say this because we are threatened with the guillotine, nor from threats uttered on this floor, but from an innate belief that it is our duty to restore the powers we hold to the people. I expressed these views to several of my colleagues in the morning, before I made the remarks which have been so severely criticised by the *Democrat*. If the Convention will pardon me I will mention, that, to Mr. Hitchcock, Mr. Long, Mr. Holmes, and others, I expressed the belief that we should give back to the people the powers that belong to them.

I thank the Convention for indulging me with this personal explanation, and will conclude by saying, that, "conservative chap" as I am, "old fossil" as I may be, I am as anxious to get through with the great duties we are called on to perform, and to restore the power which fifteen thousand of my fellow-citizens gave into my hands, as the editors of the *Democrat* can possibly be to get rid of me. I did not seek the position I now hold, nor have I ever sought any office. I have endeavored to do my duty always, here and elsewhere; and while I possess the consciousness of having honestly carried out the will of my constituents, the threats of party newspapers and radical politicians

> "Pass by me as the idle wind,
> Which I respect not."

Mr. Phillips. I desire to give notice to the Convention, so that all parties may be duly notified, that to-morrow morning, if I obtain permission, I will offer a resolution restricting debate hereafter to thirty minutes.

Mr. Hitchcock. With the consent of the House, I desire to give notice that I shall, at an early opportunity, introduce a resolution that a select committee of five be appointed to take into consideration so much of the Governor's message as refers to the appointment of some tribunal for trying guerrillas.

Mr. Orr. I suppose there should be no appointment of tribunals contrary to the Constitution.

Mr. Henderson. Mr. President, I shall not trespass long on the time of the Convention. What I have to say, after a few words personal to myself, will be directed to the issues before

us. For nearly two years I have labored to accomplish what I hope is now on the eve of consummation. I have labored for it in season and out of season, and by so doing have incurred the enmity of former political friends, and the hatred of former opponents. Some of my friends, opposed to emancipation, mistaking individual exertion for the "irresistible logic" of events, have reproached me as being responsible in some measure for the necessity of emancipation now forced upon the State. What I have done toward securing the general result is but a drop in the ocean. I hoped only to shorten our sufferings by hastening on to our destiny. When civil war had once begun, no human power could have delayed for a great period emancipation in Missouri. It followed, as an inevitable consequence, the organization of the Confederate Government. If the rebellion proved to be a success, Missouri must be a border State, whether she retained her relations to the Union, or became a member of the new Confederation. In either event, slavery was doomed. But, whether the rebellion succeeded or not, after the secession of eleven States containing all the elements of warlike power, with a larger population than was ever subdued upon the same extent of territory, it yet had sufficient vitality to force upon the country a long and exhausting war, the end of which is yet in the future.

In such a struggle, with our own population divided, and civil war raging in our midst, the rebels, basing their disloyalty upon false charges of bad faith in the Government, on the subject of slavery, thereby inflaming the passions of loyal men, who had been previously anti-slavery, and disgusting the friends of law and order, who had previously been without prejudice against the institution, nothing could be more certainly predicted than the downfall of slavery in Missouri, sooner or later.

At a very early day, this conviction forced itself upon my mind; and whatever of error or offence I have committed results from political action based on that conviction. It was this that induced me, a few days after taking my seat in the Senate, to vote for the resolution adopted by a large majority of both branches of Congress, declaring "that the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system." In transmitting this resolution to Congress, the President had intimated his belief that in case the war should continue much longer the institution of slavery could not be preserved in the Border States. In the discussion springing up on the adoption of the resolution I took part, and I now beg leave to read an extract from the remarks on the subject, made on the 27th March, 1862:

"Looking, then, to my own State, and I speak for it alone, I am not disposed to take issue with the President in regard to the future results of the war. I regard his expression as a prophecy, and not as a threat—a prophecy that I feel will be realized if this war continues.

"In this view of the matter, sir, I am perfectly willing that the proposition may go before the people of my State, without at present expressing an opinion as to what course they should pursue. It is a new pledge of faith by the representatives of the people that this vexed question shall be left with the people of each State. It comes not in the spirit of arrogance, demanding conformity with the views of others, but with humility, acknowledging if slavery be an evil it is a sin for which we are all responsible, and for the removal of which we are willing to come with practical benevolence. It means more than all this. It intimates to the States that the nation would prefer gradual to immediate emancipation, and that the measures now pending in Congress, looking to such results, should be superseded by one of conciliation and good will.

"If this spirit had been more largely cultivated in days gone by, we would not this day be forced to witness a ruined South and a deeply oppressed North. Why, sir, ninety-six days of this war would pay for every slave, at full value, in the States of Kentucky, Missouri, Maryland, Delaware, and the District of Columbia. Nine months of the expenditures of this strife would have purchased all the slaves in the States named, together with those in Arkansas, Tennessee, Mississippi, and Louisiana, thus preserving in peace the whole of the Mississippi to the Gulf. Less than two years of these expenditures would have paid for every slave that treads the soil of the nation. If Northern men had treasured these things, and learned that kind words can accomplish more than wrath, and if Southern men had resolved to look upon slavery as upon other questions of moral and political economy, and both had determined to examine this as all other subjects, in calmness and deliberation, we would have been spared the evils that now oppress us."

It was this conviction, connected with an earnest desire, on my part, that the loyal men of the State should not be deprived of the value attached to that species of property, that induced me, twelve months ago, to travel from Washington to this Capitol to attend the session of the Convention. Had an ordinance then been adopted, in response to the action of Congress, I believe that a liberal appropriation would have been made before the adjournment in July last. If not then made, I am satisfied that, as unfinished business, it would have been perfected and passed during the last session.

It was the same feeling that actuated me in the canvass of last summer and fall. I did not want to agitate the slavery question. For the good of the country, I would have silenced it if I could. A gigantic war, however, in the interest of human slavery, threatening to tear down the Government of our fathers, had already commenced the agitation. It wanted no aid of mine. In a speech delivered at Hannibal, in August last, I expressed my regret at the defeat of the Emancipation proposition in the Convention, my fear of continued agitation, and suggested what I regarded as the proper remedy. The following extract is quoted:

"Then, instead of a simple proposition involving no personal loss, in which self-interest as well as the better feelings of our nature combine to prevent agitation, we are now liable to have it in every shape in which the negro question can be presented. Emancipation may be brought on without compensation.

"I am free to admit that, in my opinion, the best thing the people of Missouri can do, is to ask the Convention again to meet, and to submit an ordinance, such as I have indicated, to Congress at its next session. This is no Abolition scheme—the Abolitionists will not vote for it. They will not tax themselves to pay for that which is so rapidly destroying itself. They say, let it alone for a year longer, and its own follies will end its reign. They prefer to destroy it by the military power. It is possible that Congress would accede to the proposition of one or two States, or perhaps more, if speedily made. It may act favorably at the next session, but after that period I expect no such thing.

"The Convention may be called together by the Governor, but he will not be inclined to do so unless it seems to be the wish of the people. They can express their wishes at public meetings. They should not neglect to do so.

"The slaveholders themselves should see to it that such expression should be given. They have a double interest in closing with the proposition. I have every confidence that their sagacity will teach them the right. The path of interest is plain—the path of duty is equally plain. If these be abandoned to satisfy caprice, let no complaint be uttered if the casualties of the strife shall disappoint them."

The Convention was not called, but a Legislature was elected, a majority of whose members were supposed to favor emancipation.

Immediately upon the assembling of Congress, and before the meeting of the Legislature, one of my colleagues in the lower House brought in a bill, which was subsequently passed through the House of Representatives, in such shape as entirely to forbid my support. The objections to it were numerous, but when it comes to be understood that it only *promised* an issue of ten millions of bonds in the future, whilst it *really* did not *appropriate* a cent, thereby making it certain that the ten millions of bonds would not have realized ten cents in the stock markets; and when it is further understood that the bill required immediate emancipation, a thing which the General Assembly, under the Constitution of the State, had no power to do, without first paying the owners a "full equivalent" for the slaves emancipated, no one having any regard for the forms of law will candidly say that I should have lent it my aid.

From the beginning I had acted in good faith. I did not doubt the power of Congress to grant the necessary aid to the State. I did not doubt the ultimate loss of slave property, and being without that foolish prejudice against the slaveholder which would induce the weak and unthinking to convict him of disloyalty without a hearing, I thought it but just that the public should remunerate him for what he was forced to sacrifice to the public good, or lose by the casualties of the strife. The bill to which I allude did not answer the purpose. It demanded his property and gave him nothing in return. In this connection, it is but just to the memory of Gen. Noell, by whom the bill was introduced, to say that he was not satisfied with it as it passed, and enterta ned hopes of securing amendments, on the final agreement between the Senate and the House. Not satisfied myself with this measure, I had introduced into the Senate a new proposition, making an absolute appropriation of twenty-five millions of bonds, to be issued by the President and delivered to the Governor of the State, on condi-

tion that a valid act or ordinance of emancipation should be passed, whereby slavery should be determinated on or before the fourth day of July, 1885. This act, after a long debate, which unfortunately degenerated into a partisan controversy, passed, with some modifications. As modified, it appropriated twenty millions for emancipation on or before July fourth, 1865, and ten millions for emancipation completed by the fourth of July, 1876. It is true that just before the passage of the bill an amendment was adopted by a very small majority, to the effect that the bonds in their aggregate amount should not exceed the sum of two hundred dollars per head for each slave emancipated; but this limitation could easily have been removed in Committee of Conference, where it would have finally gone, to settle disagreements between the two Houses. But if the provisions had been retained, and the bill had become a law, we could to-day have passed an act emancipating by the fourth of July, 1865, with a system of apprenticeship for five, ten, or twenty years thereafter, and thereupon the State would have been entitled to the twenty millions of dollars. With this money we might have paid the slaveholders, reduced our public debt, or completed the railroads of the State. If thought preferable, we might have adopted the act now before us. emancipating by 1876, receiving therefor the sum of ten millions, and using it in our own discretion. In other words, if the bill had passed the lower House, we might now emancipate on terms as favorable to the slaveholders as the pending proposition presents, and have money enough left to complete the Southwest Branch railroad to Springfield, the Pacific to Kansas City, and the North Missouri to the Iowa line. In this way our State would have been largely compensated for the inconveniences, public and private, produced by "a most beneficial change of system." The bill went to the House, but, owing to causes over which I had no control, and which I do not now choose to discuss, it "slept the sleep that knows no waking." During the discussion in the Senate, I endeavored to state frankly the reasons influencing my course. Whilst no measure holding only false promises to the people of Missouri could have received my support, yet, in my judgment, the material interests of the State demanded the ultimate extinction of slavery, and, with or without compensation, this result must be arrived at. Whilst the nation would have profited by the expenditure, in securing comparative immunity from invasion for a large part of its loyal domain, its failure thus to profit will not exempt us from the duty we owe to mankind, much less will it relieve us from obligations to consult our general and local welfare.

Hence I declared myself in favor of gradual emancipation, in case the appropriation should fail. I refer to the Congressional Globe of last session:

"If you vote $10,000,000 it is an utter impossibility for us to emancipate immediately, and I shall say to the Legislature, 'Gentlemen, I am in favor of emancipation anyhow, for our own good; then let us adopt a gradual system of emancipation. But we cannot accept the donation of Congress, because it is conditioned that we must emancipate immediately. We must reject the proposition of Congress, and adopt gradual emancipation ourselves. We cannot take $10,000,000, unless we emancipate immediately, and we cannot emancipate immediately, because the Constitution of the State is in the way. That is all. It is a plain proposition.'"—[See Cong. Globe, 3d session 37th Congress, page 613.

Failing to accomplish what I desired in Congress, I endeavored to secure action of the Legislature, calling a new Convention, the members to which were only to be elected on condition that this body should not again assemble and pass an act of gradual emancipation. Slave property was rapidly disappearing. We were in the midst of revolution—the rights of person and property ceasing to be sacred in the eyes of men who are known to be eminently just in times of peace. Hence my desire to revive respect for the forms of law—to vindicate the justice and efficiency of the civil authority of the State, as well as to assert its supremacy over the military in working local reforms, that legitimately belong to the reason and judgment of a free people. However the evils of slavery might oppress for the time being, I would not have violence usurp the place of peaceful administration, lest the evils of that violence "which knoweth not the law" might be tenfold greater.

The General Assembly was without power to pass an act of emancipation. I wanted emancipation, but not against the law. Either the old or a new Convention must possess the power. Its action would command the respect of the people, for, after all, the dignity of the magistrate awes more than the tramp of the

soldier. Violence begets violence, but the law speaks peace to all.

From causes, most likely of a partisan character, of the nature of which I am not advised, the measure failed, and at the adjournment of the Legislature we were left where we began. Perhaps I am wrong in saying we were left where we began. Two years before we began in peace, we were now in war. At that time the State was prosperous, and its people contented. Now its fields were abandoned, its dwellings charred, its inhabitants arrayed in deadly strife. Then we gathered in peace the fruits of material wealth, and rejoiced in the blessings of social progress; now those fruits had turned to ashes on our lips, whilst fierce passions and fiendish hate had supplanted the virtues of civilization.

The Governor, believing that some good might be accomplished by a call of the Convention, and being clothed with the power to do so, has convened us, and we are now assembled to consider again what is best for the State. It is argued by some that the Convention has discharged its functions, and is now dead in the eye of the law—that its acts will be void and not entitled to the respect and consideration of the people. I have not time to discuss this question, but feel it my duty to say that he who sits in this body is estopped from denying the legality of its existence. Admitting its existence, its jurisdiction over the subject matter will not be denied. If it be a legal body, and its jurisdiction complete, its decrees are entitled to the respect of the Federal Government, to which it has ever been loyal, as well as the obedience of our own people, whose rights it has carefully guarded in the past.

The question now to be considered is, what shall we do?

They who oppose emancipation in every shape have suggested that we adjourn the Convention and go home—that the Legislature cannot emancipate without paying the owners—that they dare not levy a tax on the people for that purpose, and that having already failed to call a new Convention to consider emancipation, they will not likely be able to agree at the adjourned session. It is hoped that by the time of another election a reaction will have come in the public mind, and the dream of emancipation will be dispelled forever. Whether this class of men ever forget anything I do not know, but, like the Bourbons, they certainly learn nothing.

To them the experience of the past is lost. They seem to be without reason, or, possessing it, too perverse to exercise it. Relics of the past, they seem to be imbedded in the present, but retain their individual characteristics like fossils in more recent formations. They do not move, and because of their own inertia, they would willingly believe that the world is without motion. With such men the steam engine has been a curse; steamboats and railroads have corrupted the public morals; the electric telegraph is the vehicle of lies, and Faust, the printer, was the agent of the devil. Such men would not only have refused to purchase the Sybylline books until at least two-thirds of them had been destroyed; *their* folly would have rejected the remainder, even at the original price. They cling to slavery as the poor inebriate clings to the glass that has shattered his frame and debased his soul. To such men it matters not that the civilization of enlightened Europe has cast slavery aside. It matters not that the united voice of Christendom has spoken against it, and it seems with them a less matter that the experience of the world attests even the superior economy of free institutions over those of slavery. Thirty years ago the subject of emancipation was discussed in the Virginia Legislature, not only with freedom, but with distinguished ability. The popular voice of the State at that time was perhaps favorable to emancipation. During that discussion, a representative from the county of Buckingham used the following language:

"The day is fast approaching when those who oppose all action upon this subject, and instead of aiding in devising some feasible plan of freeing their country from an acknowledged curse, cry '*impossible*' to every plan suggested, will curse their perverseness and lament their folly."

Another member, one of the purest and ablest of Virginia's sons, then representing the county of Kanawha, speaking of slavery, said:

"The evils of this system cannot be enumerated. It will be unnecessary to attempt it. They glare upon us at every step. When the owner looks at his wasted estate he knows and feels them."

Many of those to whom this language was addressed, having witnessed for thirty years the gradual decline of Virginia's greatness, yet live to see the fires of war consuming their substance, and doubtless "curse their perverseness and lament their folly."

Mr. President, these men may remember

that, twelve months ago, but nineteen voices were raised in this body against tabling a proposition that gave a lease of seventy years to slavery, and compensation to posterity, when it died. They should remember that during the month of March last, within one hnndred days of the past, a lease of thirty-seven years was rejected by the opponents of emancipation in the Missouri Legislature. It is now reduced to thirteen years, and a refusal to close with terms now offered may possibly result in the total loss of the entire institution.

To such men, I would say that slavery has ceased to be of pecuniary value. As a power of party machinery, it may work evil, but scarcely any good. This is an inauspicious period for the organization of party. We need but one party, and that should combine all men who look to the preservation of the Union, with the ancient rights and privileges of American freemen; a party built upon the Constitution, frowning upon the rebellion against constituted authorities, come whences it may; a party devoted to the maintenance of law and order, determined upon the integrity of the nation, and equally determined to resist aggression upon those rights for the protection of which the Government itself was established.

The few slaves we have cannot supply the demands of labor. I adopt some statistics, compiled from able papers, based on the last census: The area of our State is 67,000 square miles, larger than England, with a population of nineteen millions. It is larger than all the New England States put together, and capable of sustaining three times as much population. It is, I believe, larger than New York, Vermont, Massachusetts, Rhode Island and Delaware, and destined, perhaps, to equal them all in the number of its inhabitants. It has at present a greater white population than South Carolina, Georgia and Florida together, and greater than that of Florida, Arkansas, South Carolina and Louisiana. Great as our State is, she is being rapidly outstripped by the free States around her. In 1820 Missouri was in the advance of Illinois in both population and wealth. The area of Illinois is nearly 12,000 miles less than that of Missouri. The cash value of farms in Illinois in 1860, however, was $432,531,072, whilst that of Missouri farms was 230,632,126, making a difference of over $200,000,000 in favor of Illinois.

The increase in the value of real and personal property in Illinois from 1850 to 1860, was $715,595,276, being near 458 per cent., whilst the increase in Missouri, during the same period, was $363,966,691, being only 265 per cent. It will be seen that at the same rate of increase from 1860 to 1870 the total wealth of Illinois will then be $3,993,000,000, and that of Missouri will be $1,329,000,000, making a difference against our State of $2,664,000,000, which of itself would pay for all the slaves in the Union. The population of Missouri in 1860 was 1,182,317—that of Illinois was 1,711,753. The unoccupied lands of Illinois are worth $6 per acre more than ours, at which rate the increased value of even unimproved land would amouut to $138,000,000. This of itself would pay five times for all our slaves.

I am not prepared to say that the institution of slavery has thrown on the side of our favored sister all this vast excess of population and wealth; but that the difference is attributable in a large degree to the presence of slavery here, I have but little doubt. In an agricultural point of view, we should be at least equal. Our lands are as rich as those of Illinois, and then we have seven and a half million acres more then she. Whilst ours is the richest State in the Union in iron ore, Illinois has none. Illinois has but little lead, whilst Missouri possesses it in unlimited abundance. With equal natural advantages for wealth, we have succeeded in building only 817 miles of railroad, and have a debt of $28,000,000, whilst Illinois has built 2,867 miles, and has comparatively no debt. She has 102 miles of canal, and we have none.

I deprecate as much as any one the existence of an ineradical prejudice on the part of northern laborers against the institution of slavery. We are not responsible for it in Missouri. The causes usually alleged for its existence are almost unknown among us; but we cannot satisfy the northern mind that such is the fact. We need labor to develop the hidden resources of our State. Nature has showered its blessings upon us in richest profusion. Nothing is wanted but the labor of man. Our slave population furnishes comparatively no labor at all. If no commotion existed—if our slaves were at home and contented—we should have not exceeding ten or fifteen thousand laborers among them—one laborer for every six or seven square miles of territory—one to till each four thousand acres of our rich land, and none to unearth the mineral wealth that lies beneath the surface.

Whatever may have been anticipated from Southern immigration and the introduction of

slave labor before the rebellion, circumstances are now such that no sane man can reasonably expect it in the future. Our climate, our geographical positions, the productions of our soil, the increasing anti-slavery tendencies of our people, all forbid the importation of slaves. Whatever may be the future of our nation, whether the States be united or dissevered, the demands of labor in Missouri must be supplied from among the freemen of the country. Free labor shrinks from contact with slavery. Hence Illinois has bounded beyond us in its onward march to imperial greatness, while Iowa and Kansas receive thousands of emigrants and millions of wealth that would gladly rest upon our soil. With too many slaves for a free State, we have not enough for a slave State. With the evils of the one, we do not enjoy the advantages of the other. We must be one or the other, if we would consult the material interests of the State or the quiet of the people. It is doubtful whether we could have a slave State if we would. Then let us accept our fate. It is well known to us, that, owing to our peninsular situation in the ocean of free soil about us, slavery at best is but nominal. The relation subsisting is scarcely that of master and slave. The service is voluntary; the labor not only precarious, but far more expensive than free labor can possibly be in the course of a few years after the obstacles to its introduction are removed. The argument founded upon injustice to the slaveholder, however strong it might be, if directed against an act of sudden emancipation, dissolving at once the ties that are supposed to bind the slave to his owner, producing temporary convulsion in the industrial interests of the State, and coming into immediate conflict with long standing prejudices of an entire people, is deprived of its force when urged against an act such as is now under consideration. The owner, under the report of the committee, has thirteen years within which to sell his slave, or the choice of retaining him for his labor here. The war cannot last much longer. Its wonderful proportions are such as soon to exhaust the energies of any people on earth. Many years will be left to the owner, after its termination, to choose between alternatives. Interest and humanity will likely combine to prevent a sale beyond the limits of the State, but still the choice is left. If slavery perish in the seceded States, that fact of itself is a most effectual ordinance of emancipation in Missouri. In that event the slave is without value, and this problem will be solved before the period fixed for freedom.

To that class of men who interpose objections to emancipation in every form, there is one other consideration that may be properly addressed. The war in which the country is involved by the action of the seceded States continues yet to be waged, and, until peace shall be declared, Missouri will continue to suffer. Already the property destroyed in our State would have been sufficient to pay double the value of our slaves in times of peace. That destruction will go on until we put on record a declaration, that, in spite of Southern invasion, we intend to stand by the Union. The principles underlying the government of the Confederate States totally forbid, in my judgment, the incorporation of a non-slaveholding State into its system. Missouri, as a free State, would not be desirable to them; but her present position, without a fixed policy, struggling to maintain slavery against the current of events, constantly invites to aggression. Divided among ourselves, we yield to the violence of the hour, forget the ordinary teachings of common sense, and soon drift upon an angry sea of passion. The usual restraints imposed by the law are forgotten. The constitutional guaranties thrown around the person and property of individuals, if remembered at all, are disregarded. The maddened factions call for vengeance, and fiendish brutality begins its work. Each party calls for outside aid — the one for Confederate troops, and the other for Federal troops. Armies must be supported. Discipline is hard to preserve. Both parties suffer. The slaves of loyal and disloyal leave, the homes of their owners are burned, their farms are abandoned, their sons are murdered. We emerge from the strife with the poor consolation that our enemy, perhaps a former neighbour and friend, is likewise ruined. Then, to complete the picture, thieves, brigands, and murderers, come with double uniform, lisping patriotism or treason, as may best suit their purposes; some with the torch of the incendiary, and others with the weapons and daring for highway robbery; some with the implements of burglary, and others with the poniard of assassination.

In all this carnival of fiendish hate we are the sufferers. The law-abiding men of the State should unite upon a common platform, sacrificing all that is necessary to bring back to its throne the violated law and restore peace to a distracted country.

If by making this record in favor of emancipation we can free ourselves from another invasion by the Confederate authorities, would not the immunity be cheaply purchased with the loss of every slave in the State? Many of us believe that such would be the effect of this public record. But whilst the general good would thus be promoted, we deem it unfair that the few slaveholders should be subjected to immediate loss, when the record itself, followed by early emancipation, accomplishes all we need.

Our peace is best secured by adherence to the Union. To the Federal Government, then, we must look for protection. Looking to it for succor and support, we must turn our backs against the rebellious government of Richmond. To do so most effectually is to declare nonconformity to the essential principles of the rebellion. On this ground, therefore, I appeal to all lovers of peace, whatever their former views in reference to the merits of emancipation, to support some measure that we may have the record and secure future repose.

To the slaveholders themselves, who suppose that too heavy a sacrifice is demanded of them for the public good, it may be suggested, that, in case an act of emancipation shall be passed by this body, and acquiesced in by the people, the whole power of the Federal Government will be exerted to uphold it and to protect the rights reserved under its provisions. I, of course, am not authorized to pledge the faith of the Administration to any particular action; but that the President is convinced of the loyalty and good faith of this body, I am fully assured; that he will entertain a high degree of respect for its action, I am also assured; that he prefers gradual to immediate emancipation, believing it is best for the owner and the slave, he has declared in his official messages to Congress, and that he repeats it on every suitable occasion, is known to you all; that he is an earnest anti-slavery man, believing the institution a curse, which should be removed, and that the races should be separated, is known to the whole country; that he is a just man, desiring the supremacy of the civil authority everywhere, and deprecating any violent interference with the established institutions of any State, I firmly believe; that every effort by military authority to usurp the powers of the judiciary, meets his condemnation, I also believe.

Judging, therefore, from these premises, I cannot be in error when I express the opinion that the military officer whose impatience urges him to hasten emancipation by violence or fraud, in defiance of our action, will be dismissed the service. If not dismissed, he will be sent to other fields of duty, more congenial possibly, but at least better adapted to his views of "vigorous prosecution" in the conduct of the war.

Mr. President, my remarks have been addressed to those supposed to be friendly to the Union, but opposed to emancipation. If there be any here who cling to the institution of slavery, as a lever with which, in the future, to break the tie which binds Missouri to the Union, to such I have no argument to present. If the past will not deter them, the future must bring its punishment.

Now, sir, a few words to those who favor what is termed immediate emancipation, and, failing in that, reject every other scheme, and threaten renewed agitation.

In the first place, immediate emancipation is not desirable. No one has yet proposed it without coupling with it a period of apprenticeship.

The proposition to apprentice the slaves back to their owners admits one of two facts, either of which is fatal to immediate emancipation. It admits, first, that it is unjust to deprive the owner at once of the services of the negro without compensation; or, second, that the slave is not now prepared for the enjoyment of rational freedom, and that his apprenticeship will the better fit him therefor, whilst the white population is in the meantime protected against the effects of his licentiousness.

I may assume that those of us who favor emancipation are divided into two classes — first, those who wish to fix a day, say, from 1870 to 1876, beyond which slavery shall cease to exist, leaving the relation of master and slave in full force up to the day of its extinction; and, second, those who desire to fix an earlier day, say 1865, for emancipation, leaving the relation during this short period to exist, with apprenticeship thereafter, for five, ten, or twenty years.

To distinguish between them, the first will be called gradual, and the second immediate. The bill reported by a majority of the committee adopts the plan advocated by the first class named. The danger to the cause of emancipation consists in the fact that the friends of either scheme, failing to secure their wishes, may abandon the other, and be found in the company of those opposed to any plan at all.

It may be well, at this point, to inquire with what view we propose to emancipate. What are the objects to be obtained? Why do we stop in the midst of war and consider an act of legislation that might be adjourned until the war is over? Why take the risk of dividing the Union sentiment of the State upon a subject which, under ordinary circumstances, is one purely of local concern?

I do not understand that this is any humanitarian scheme, prompted by fanaticism, or advocated especially on moral grounds. Whilst we may be unwilling to deny that strict justice, as well as humanity, forbid slavery, yet it will generally be found safer to leave such questions to the religious and moral teachings of the country. Christ himself, while on earth, taught doctrines at variance certainly with human slavery, but he did not demand of the lawgiver its removal, though he daily moved in its midst. So the moralist, the teacher of the Scriptures, now speaks against the principles that enter into and make up the wrong of slavery. His teachings are equally against the use of intoxicating drinks; yet we, admitting the truth of the teaching, would scarcely deem it necessary now to pass an ordinance against the manufacture, introduction or use of alcoholic spirits. Why, then, shall we touch the slavery question? In my judgment, two objects only press its consideration upon us. The one concerns the present, and demands immediate attention; the other might be postponed, but is better secured at once.

The first object to be attained by emancipation I have already referred to. It is to notify the people of the seceded States that we are not of them, and, under no circumstances, will we be with them. By this we hope to escape future efforts to drag the State from her position. The same act accomplishes the second object. It is to give notice, by solemn ordinance, to the people of the non-slaveholding States, that Missouri is destined soon to become a free State, so that the stream of emigration may be poured in upon us. The one object is present peace; the other is future prosperity. If I am right in stating the reasons for emancipation, then a gradual scheme will be fully as efficient to attain the ends desired as if immediate in its character.

The record itself will satisfy the South. It is not the existence of slavery merely in a State that would fit it for association with the seceded States. The tone and temper of the people must give assurance of its permanent existence. Ohio, with Vallandigham as Governor, would not be received into the Southern Confederacy; nor would Illinois be received by a vote of fifty thousand majority against the further prosecution of the war. Neither of these States would assimilate to the institutions of the South. They will not be invaded; nor will Missouri be invaded after the passage of an ordinance of emancipation, unless that ordinance be so unwise in its provisions as to produce wide-spread dissatisfaction among the people of our State. Gradual emancipation will be much more willingly acquiesced in, and, in that view, should be adopted.

For every purpose connected with immigration into the State, I insist that the record of gradual emancipation is as potent as if it were immediate.

I propose to terminate slavery in Missouri on the first day of January, 1873, leaving the county courts, after that period, to apprentice them to their former owners, or to any other persons. If the former owners have been kind and indulgent, the slaves will prefer them to strangers. In order to insure this, an incentive to kind treatment operates from the present day, and continues to operate through all time.

This is not quite so speedy as emancipation in Great Britain by the decision of Judge Mansfield, in the Somerset case; nor yet so speedy as its termination in Massachusetts, after the decision of the Supreme Court of that State, that property in man could not exist; but I propose to show that no State of the American Union, among those legislating upon the subject, ever adopted an act terminating slavery so suddenly as the one under consideration.

I have before me the acts of several States abolishing slavery, compiled by Judge Doolittle of Wisconsin, and appearing in a speech delivered by him in the Senate last winter, on the Missouri appropriation bill, from which I will read an extract. (See Congressional Globe, 3d Session, 37th Congress, 1 vol., p. 620):

"We ought to gain a little something from the history of the past. Rhode Island is a good free State; Connecticut is a glorious free State; so are New York, and Pennsylvania, and New Jersey. How have all these States conducted themselves on this troublesome question of emancipation of the slaves within their limits? Rhode Island enacted, in 1784, 'that no person born within this State, on or after the first day of March, A. D. 1784, shall be deemed or considered a servant for life, or a slave; and

that all servitude for life or slavery of children to be born as aforesaid, in consequence of the condition of their mothers, be and the same is hereby taken away, extinguished and forever abolished.'

"Sec. 9. That every child born on or after the said first day of March, A. D. 1784, whose mother is or shall be a slave, shall be supported and maintained by the owner of the mother until such child arrive at the age of twenty-one years: *Provided*, the owner of the mother shall, during that time, hold her in slavery."

This was the law of Rhode Island. What was the law of Connecticut? Connecticut provided, about the same time, by an act passed in 1784:

"That no negro or mulatto child that shall, after the first day of March, 1784, be born within this State, shall be held in servitude longer than until they arrive to the age of twenty-five years, notwithstanding the mother or parent of such child was held in servitude at the time of its birth; but such child, at the age aforesaid, shall be free, any law, usage or custom to the contrary notwithstanding."

It was provided, also, in 1792, that certain slaves, not less than twenty-five years of age, nor more than forty-five years of age, might be emancipated, under certain provisions of the statutes in the State of Connecticut. This was the system adopted by that State. And, sir, what was the act of the great State of New York on this question of emancipation? New York provided, in 1799—

"That every child born of a slave within this State after the fourth day of July, in the year of our Lord 1799, shall be free, but shall remain the servant of the owner of his or her mother, and the executors and administrators of such owner, in the same manner as if such child had been bound to service by such overseer of the poor, and shall continue in such service, if a male, until the age of twenty-eight years; and, if a female, until the age of twenty-five years."

The State of New York entered first on this system in 1799; but in 1817 it passed another act, in which it declared that all slaves born prior to 1799 should be free in 1827, and upon the year 1827 arriving, all the slaves of New York were free. This was her system of emancipation. Now, sir, if we look at the action of the great State of Pennsylvania, in that act of her Legislature which was drawn by Benjamin Franklin, the author and founder, they say, of the first abolition society in the United States, it is provided in that act—

"That all persons, as well negroes and mulattoes as others, who shall be born within this State, from and after the passage of this act, shall not be deemed and considered as servants for life, or slaves; and that all servitude for life, or slavery of children in consequence of the slavery of their mothers, in the case of all children born within this State from and after the passing of this as aforesaid, shall be, and hereby is, utterly taken away, extinguished, and forever abolished; *Provided always, and be it further enacted*, That every negro and mulatto child born within this State, after the passing of this act as aforesaid, who would, in case this act had not been made, have been born a servant for years or life, or slave, shall be deemed to be, and shall be, by virtue of this act, the servant of such person, or his or her assigns, who would in such case have been entitled to the service of such child until such child shall attain unto the age of twenty-eight years."

The act of Pennsylvania was passed March 1, 1780.

Now, sir, what was the action of the State of New Jersey? In 1820, an act was passed "for the gradual abolition of slavery, and other purposes respecting slaves," wherein it was provided—

"That every child born of a slave within this State since the 4th day of July, 1804, or which shall hereafter be born as aforesaid, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators or assigns of such owners, in the same manner as if such child had been bound to service by the trustees or overseers of the poor, and shall continue in such service, if a male, until the age of twenty-five years; and if a female, until the age of twenty-one years."

It will be seen by examining the census tables that Pennsylvania had sixty-four slaves as late as 1840.

New York, in 1790, had 21,324, and in 1840 had only 4. New Jersey, in 1800, had 12,422, and 236 in 1850, the institution disappearing between 1850 and 1860. There were five slaves in Rhode Island as late as 1840.

He who will take the pains to examine the rapid advancement of these States in wealth and population during the period when slavery was in process of gradual extinction, will scarcely argue that immediate emancipation is necessary to give impetus to the desired immigration. It will come as rapidly as it is needed.

I desire to show that this idea of immediate

emancipation has not been tolerated until very recently, by even the most radical anti-slavery men of this country. In June or July, 1862, a committee of the lower branch of Congress, composed chiefly of active and thorough Republicans, reported a bill, the object of which was to carry out the recommendation of the President, and inaugurate a system by which slavery might be terminated in the loyal States. That bill, I learned at the time, met the concurrence of a large majority of the dominant party in Congress. It not only proposed to make ample compensation to the owners, but conceded the fact that, for the good of white and black, the day of emancipation should be postponed. That measure was intended for the very purposes designed by this. It was offered after fifteen months of war, and with full knowledge of the influence of slavery on the present contest. I desire to read several sections of the bill:

"*Be it enacted, &c.*, That whenever the President of the United States shall be satisfied that any one of the States of Delaware, Maryland, Virginia, Kentucky, Tennessee, or Missouri, shall have emancipated the slaves therein by law within and throughout such State, it shall be the duty of the President, assisted by the Secretary of the Treasury, to prepare and deliver to such State, an amount of bonds of the United States, bearing interest at the rate of five per cent. per annum, and payable at thirty years from the date thereof, equal to the aggregate value of all the slaves within such State, at the rate of three hundred dollars for each slave, as the same shall be ascertained by an enumeration to be made by the Federal authorities designated for that purpose, at the time of emancipation; the whole amount for any one State to be delivered at once if the emancipation shall be immediate, or in ratable instalments if it shall be gradual."

What was the gradual emancipation provided for in the bill referred to, and which was reported unanimously by the committee only twelve months ago? I again quote from the bill:

"That the benefits of this act shall only enure to such State or States as may pass such act or acts of emancipation, as aforesaid, within five years from the date of the passage of this act, and shall provide for the complete and entire emancipation of the slaves therein within the period of twenty years from the date of the passage of such State act or acts."

That measure provided also for colonization, whilst we propose in this case to meet the prejudices of our people, retaining our freed slaves and asking nothing from the Government to remove them. The following is the section on that subject:

"That for the purpose of deporting, colonizing and settling the slaves so emancipated, as aforesaid, in some state, territory or dominion beyond the limits of the United States, the sum of twenty million dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes aforesaid at the discretion of the President."

As a further evidence of the prevailing sentiments of the day on this subject, I may refer to the admission of West Virginia into the Union during the month of December last. The conditions imposed, being embraced in an amendment offered by Gen. Lane of Kansas, provided for emancipation much more gradual than proposed in the bill of the committee now before us. The provision adopted in the admission of West Virginia was that slaves under ten years of age should be free at twenty-one; those over ten and under twenty-one to be free at twenty-five.

But we are told by these gentlemen that immediate emancipation, defeated here, can be easily secured through a new Convention. In the first place, the Legislature may fail to call a Convention; in the second place, we may be beaten at the polls in the election for delegates; and in the third place, the delegates, when assembled, may have the same difficulties to contend with that we have now. In the face of all these contingencies, wise men, looking to the accomplishment of a great end, will yield preferences and sacrifice party or personal considerations.

It should be remembered by them that Virginia failed to emancipate in 1802, simply because they could not agree on a plan. Twenty years thereafter the divinity of slavery was acknowledged throughout that State. The Legislature of Missouri, in January, 1861, entertained no doubt that this Convention would no doubt pass an ordinance of secession, when it should be elected and convened. Instead of doing so, we hurled from power those that called us into existence, and are now prepared to abolish the institution we were called to perpetuate. The past is full of such political blunders; the present should avoid them. We are told that Charles I., in the exercise of doubtful power, arrested the vessel that was

about to sail to America, bearing to voluntary exile some of the liberal leaders of a subsequent day, and amongst them Oliver Cromwell. Many years of bloody toil and ceaseless anxiety before he was brought to the block may have satisfied the King of his error. But I have often heard it said—not, I am glad to know, by members of the Convention, but by violent men outside—that emancipation must be immediate, or slavery shall be destroyed by the military authority. The argument is this: that our own people know not their true interests; political Generals from other States, together with a selfish brood of our own, know them better. It is assumed that they not only know our interests, but that the war powers of the Government clothe them with ample authority to lop off political evils by the sword, to purify the moral atmosphere, and, by removing the cause of evil, secure the future against disturbance.

It will be readily admitted that political, moral and social evils should be removed; but the world has always differed, and will continue to differ, as to what constitutes such evils; and, that being settled, it will differ as to the mode of removing them. If the principle of republican government be correct, these questions must always be settled by the representative authorities of the people interested. If military authority, called into existence for the purpose of restoring the law can legitimately interfere with the relation of master and slave in one of the States, it may with equal propriety interfere with the relation of parent and child, guardian and ward, and husband and wife. It may imprison judges for issuing the writ of *habeas corpus;* may arrest Governors and State Legislatures for the simple exercise of the reserved rights of the States, on the ground that the doctrine of "State rights" is the cause of our national troubles. It may even go farther, and lay hands upon the very foundation principles of our government. Why cannot it say, when slavery is extinct, that freedom of speech and of the press is the origin of the rebellion—that it must be put under restraint for the future repose of our people? Can it not say that the Puritan fanaticism of abolition has brought our troubles, and thereupon proceed to try its votaries by military commission, or dispatch them, without trial, by the bayonet or bullet of the soldier? He who encourages violence often becomes the victim. "He that takes the sword, falls by the sword." He that places power beyond his reach that his enemy may suffer, too frequently calls in vain for protection in his own case. The Jacobin spirit aroused by Robespierre to secure the death of Danton, soon sent him to the guillotine.

But it is urged that the laws of Congress confer upon the military authorities power to interfere with this institution of slavery. This I deny. At the session before the last, a new article of war was adopted in these words:

"All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due, and any officer who shall be found guilty by a court martial of violating this article shall be dismissed from the service."

This did not require the officer to declare freedom to the slave or to try the question of ownership. It only required him to proceed to the discharge of his duties—the overthrow of armed force against the Government—without stopping to meddle with the slavery question in any way.

The act, however, from which the power is usually deduced, is what is generally termed the "confiscation law" of July 17, 1862. This is a law changing the punishment of treason, freeing the slaves of those convicted of treason, and providing for confiscation of rebel property by regular proceedings to condemn it, in the courts of justice. So far from giving the military authorities power to pass upon the question of treason or to interfere with the rights of property in slaves, it is expressly declared that "no person engaged in the military or naval service of the United States shall, under any pretence whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service."

It is not the business of the military authorities to hunt up, deliver or "surrender," voluntarily, persons claimed to be slaves, for they have no power to try the question of slavery. This is a question for the courts. Where the laws are in force, as in Missouri, the military authorities should obey them. In the seceded States there is no civil authority demanding obedience of the soldier. The civil authority, established by the insurgents, is a part of the

power organized against the Government. We should not respect it. But if civil authority in Missouri, Ohio, New York, and Kentucky, shall be spurned and wholly disregarded, there is danger of new collisions with the Federal Government, which, spreading in their influence, may bring upon us universal anarchy.

The Federal Government cannot afford to take counsel from violent revolutionary men, who close their eyes to the dangers around us; monomaniacs, who press an idea to the overthrow of all order; or adventurers, who seek notoriety or plunder in the woes of others.

Mr. President, I have alluded to this subject for the express purpose of stamping my condemnation upon the lawless usurpation of power by the late administration of military affairs in this department. So far as the mere loss of slavery was concerned, I cared nothing, for I regarded it of little or no value. I had attempted to secure full compensation to the owners for its loss, and had been denounced as an Abolitionist for my pains. But, sir, to the extent that such policy undertook to give free papers to slaves, either by the head of the department or its subaltern Provost Marshals, on the ground of disloyalty of their owners, generally leaving the owners to run at large after being stripped of their property; and, in so far as it attempted by military force to collect the penalty of bonds taken to secure future allegiance of the obligors, it deserved the condemnation of every honest man.

It was calculated to corrupt those in power; to bring upon the country an age of tyranny and oppression; to make slaves of freemen, and to render our Government odious. One violation of law leads to another; the people soon become subservient to military rule; the land becomes filled with spies and informers; while the cowardly become the executioners of vengeance, to save themselves. Such was Sicily under Verres, such was India under Hastings.

The people of Missouri are able and willing to maintain their position in the Union. They will do so in spite of the secessionists, and in spite of those who would transfer their persons and property into the hands of the military, which, by the very nature of its organization, is incompetent to pass upon their rights.

Sir, the period once was that slavery must be worshipped as a God. He who refused to bow was groaned and hissed, and his effigy suspended before him, as a gentle intimation that he might soon follow. Under the bold pretence of protecting the sacred institution, the State was thrown into revolution, the militia called out to uphold the action of a traitorous Governor, bridges were burned, and the country filled with men of desperate fortunes, called bushwhackers, who cared nothing for slavery. They had the same feeling that prompts the incendiary to fire a city. Whilst good men quench the flames, he plunders and steals. The Union men of Missouri were not deceived by this pretext of slavery in the beginning; they will not be deceived now. I admit it an evil. If it had no other objection, the fact that it could be used to shelter the enormities of the last two years, condemns it. I sometimes fear, however, that the blindness produced on both sides by slavery agitation, may lead to national ruin.

Good men should remember, that as bad men ranged themselves on the popular side of slavery in 1861, in Missouri, when the institution was in the zenith of its power, now that it is in its decline, the elements of violence may gather on the other side. Good men may be anti-slavery for good purposes, but the vicious may be anti-slavery with different views. The law has been our shield in the past, let us stand by it in the future.

As it was dishonorable in 1861 to denounce and intimidate anti-slavery men, so is it now dishonorable to persecute those who may differ from us in opinion. If they commit treason, punish them to the extent of the law—not beyond.

As time has proved that all true courage and chivalry did not abide with the South, as we were formerly told, let us not suppose for a moment, on the other extreme, that Fremont is a Napoleon because of his proclamation in Missouri; that Hunter is a Wellington because of his abolition letter to Mr. Davis, or that General Curtis is a Scipio because of his carrying a "vigorous war into Africa."

This Convention, during the stormy period that preceded hostilities, had the boldness to declare for the right, and during the war they have vindicated their character, by maintaining a proper respect for the people of the State, whilst upholding the Union. Their task has been a delicate one. It may be truly said that the vessel of State had to pass between Scylla and Charybdis. Unmoved by the taunts and threats of secessionists, we have discharged our duty. The State is now secure. Its destiny is with the Union.

Many who cowered before the mobs of 1861

and gave up the State as lost, and even some who joined in the fierce cry of rebellion, have now come forth with denunciations against the rebel proclivities of the Convention. They now find that we are too tame for the times. Such men grow fierce as danger recedes. Some men are Jacobins, with a revolutionary mob at their heels, who basely fly from the face of peril. Some wretches, ungrateful for the safety which our prudence has given them, may have even contemplated driving us from the capital of the State, so that the last good act for peace might be defeated. If so, they will have cause, in the future, to be thankful that we saved their unprofitable lives by removing the temptations to violence.

Mr. President, as hsretofore, this Convention should fearlessly discharge its duty, irrespective of the schemes of political Generals, the cowardly assaults of demagogues, or the wails of those whose grasp upon plunder may soon be broken. In doing so, we may trust the patriotism of an honest people, willing to concede everything for peace.

Whilst we are seeking to rid our State of one evil, we should not suffer others of equal magnitude to go without our protest. Whilst we rid the State of slavery, we should not silently permit military officers to thrust upon us the freed slaves of the cotton States. Whilst Illinois, Ohio and Indiana, in the exercise of indisputable right, have closed their doors against this population, it is forced upon Missouri by military rule, in defiance of her laws and against the fixed prejudices of her people. If this thing continues, one of the objects contemplated by emancipation—the introduction of a free white population, with its wealth and skilled labor—will be defeated forever. In after years, the negro question will bring us commotion and agitation, more violent perhaps than any brought by the slavery question. When we consent, for the public good, to make free negroes of eighty or one hundred thousand slaves, and if necessary, to keep them in our midst, we have some right to ask that the freed negroes of the South should be shared by our sister States.

I, for one, desire to make the protest, confident that it will be respected. If the negroes of the South must be removed from the cotton States, let the loyal States receive them in equal proportion, or let them be colonized upon the soil of one of the seceded States. We have a right to protect Missouri from the blighting effects of the curse about to be entailed upon us by this policy of Major General Curtis, and it behooves us to speak. A word now will save years of trouble.

Mr. President, on this subject of emancipation we must act with equal decision. What we do should be done boldly and promptly. On one side, it is said that unless we emancipate at once the opponents of emancipation may repeal the ordinance before the day fixed for freedom. To that I answer, if they can cut off the inchoate right to freedom fixed by our ordinance, they have the same right to declare apprentices slaves for life. If they will act in the one case, they will act in the other. But I have no fears of either. There is no instance on record of a backward step in such reforms. The first move is the difficult one. What we shall agree upon here will, in my judgment, become the fixed policy of the State.

Again, it is urged that humanity revolts against this power of sale reserved in the owner up to the day of freedom. I think, myself, that the power amounts to but little, for the larger portion of the slaves fit for residence here at all will be kept. But they who make this objection should remember that perhaps a majority of the people of this State would prefer to be rid entirely of this population. I am perfectly certain that the owners of slaves will regard it as no favor to them, after emancipation, to apprentice back the negroes. To them, it will be regarded as immediate emancipation, and the county courts would soon be called upon to apprentice again.

They who urge, therefore, this immediate deprivation of the right, should vote to levy a tax to compensate the owner. It is no answer to say that slavery is wrong, and that the slaveholder in conscience should release his bondsman. The whole community is responsible for the wrong. Our law has protected it. The public vote has sanctioned it. If a sudden change in public sentiment declares it a nuisance, and demands its removal, let the public pay the owner, or give him a reasonable time to remove it himself. I frankly admit that my feelings favor compensation, for the benefits belong to all; but the condition of the State, in my opinion, forbids. If I gave compensation being just, I could well afford to be humane, and forbid the owner to make sale of his slave.

By some, it is insisted that the ordinance must be submitted to the people. Mr. President, the people have made up their minds to acquiesce in emancipation. They look to this Convention for a reasonable system. They

are tired of slavery agitation. If it be submitted, the guerrillas will be in arms before the day of election. The agitators, who live upon excitement, the plunderers, whose occupation is destroyed by peace, will, if possible, plunge us again into strife, and the verdict at the polls will be no evidence of popular will.

What we want is an ordinance terminating slavery from 1870 to 1873, and it should be made the law of the land. To its support, when once adopted, let the lovers of law and order rally, and the Union men of Missouri may be once more united in defence of the nation's flag and the peace of the State.

Mr. Orr. Mr. President, I would rise with somewhat more confidence, in the hope of interesting the audience and the members of this Convention, could I have obtained the floor before the delivery of the speeches of my friends, the gentlemen from Livingston and the gentleman from Pike; but after these addresses, distinguished alike for eloquence and argument, I shall, of course, make no attempt at oratory; if I did, it would be a failure. But, being a representative from the people, and having been called here by the Governor of the State to take into consideration the most important measures that have ever agitated this republic, I shall endeavor to use such arguments as I have at hand to convince this Convention of the correctness of the views I entertain.

This is a subject requiring to be handled by statesmen, not by passion, feeling, or prejudice. It is a subject that such men as Washington, Jefferson, Franklin, Clay, and Webster, were unable to settle. It is a question that the greatest men of the nation have shrunk from. Those men had their peculiar views; I have mine.

I opposed the proposition on the subject of emancipation presented a year ago by the gentleman from St. Louis (Mr. Breckinridge), not because I was unwilling to meet any issue that can be brought before the people of Missouri, but because we were then engaged in quelling a rebellion such as the world never before saw. I told that gentleman that it would require the whole energy of the Union party to put down the rebellion, and that if he thrust upon the consideration of the people of Missouri the slavery question, it would divide the Union party. It has divided it. I used what little influence I had to prevent the Governor from calling this Convention together, for the same reason. It is, however, called; and we must now take things as they are, and not as we would like to have them.

"The subject of emancipation has now for some time engaged the public mind, and it is of the highest importance to the interest of the State that some scheme of emancipation be adopted"—that is the opinion of the Governor of the State and nothing more.

"The General Assembly, at its late session, being embarrassed by constitutional limitations upon its power, failed to adopt any measure upon the subject of emancipation, but clearly indicated a wish that the Convention should be called together to take action upon the subject." The General Assembly being embarrassed by the constitution, the Governor of the State has called this Convention together to do that which he says the General Assembly could not, clearly indicating that we would not be embarrassed by the constitution; notwithstanding every member here to-day has taken an oath to support the constitution of Missouri and of the United States, he seems to take it for granted that *we* should not be embarrassed by it or bound to support it.

I shall endeavor to show that the constitution of Missouri can never be changed but in one way, that is, by the Legislature; although some of the best lawyers of Missouri, who are here, may take different ground. I am responsible for my own opinions. "Therefore, I, Hamilton R. Gamble, Governor of the State of Missouri, by virtue of the authority vested in me by the Convention, do hereby call the said Convention to assemble at the Capitol in the city of Jefferson, on the fifteenth day of June next, then and there to consult and act upon the subject of emancipation of slaves, and such other matters as may be connected with the peace and welfare of the State."

Now, I think it is unfair that men should be called together to consult upon a subject, when I fear there has been leave given to consider one side only. A man has been at liberty for the last twelve months to consult upon one side of the subject of abolition, but it is a dangerous thing to take the other side into consideration. It is known that some members of this Convention are not here to-day because they are not abolitionists, because they are opposed to emancipation. I may point to myself for a moment in illustration of the fact that we are only allowed to consider one side of this question. I have been a prisoner of war for eight months; I reported every day for three months

to a Provost Marshal, was tried for treason about three weeks ago by a military commission. (I have not yet been informed with what result,) and yet the remarks for which I was arrested were not half so strong as some of the statements made by my friend upon my right (Mr. Henderson). I only contended for the constitution and law. I do not care how lofty a man may be in his patriotism, how independent he may be, he is afraid to do or say that which will degrade him or cause his arrest.

I have been tried for treason, and why? Because at a public meeting I spoke freely my convictions. I have a little character at stake. It is due to my wife and children that it should be defended; but I have not been able to get a solitary line in any of the public papers in defence of my character; therefore I have to come before you, all these things staring me in the face, branded as a traitor, without the power to show you NOW that I am innocent.

In talking about the war and the slavery question, it will be necessary to speak of the conduct of President Lincoln, Gov. Gamble, and those in authority in the State of Missouri and the United States; but for doing so I may be sent to the Dry Tortugas or to some other place of exile; but, be that as it may, I must perform the duty I owe to my country.

There are but two parties in this country. We hear various parties spoken of every day, as Claybanks, Snowflakes, Charcoals, Nullifiers, &c.; but there are but two parties in the country: one is for sustaining the constitution and laws of the country, and the other is for overriding them. I belong to the party that is for the Constitution, the Union, and the enforcement of the Laws; and every other individual that is not for this, I do not care whether he is northern or southern, whether he glories in Abolition or Secession,—belongs to the opposite party. I want to say to this Convention, that notwithstanding we come here to consider the gravest question that could be thrust upon us—notwithstanding we come here in the same predicament as the Legislature, consisting of three classes, one for immediate emancipation, one for gradual emancipation, and the other, respectable in point of numbers, against any kind of emancipation, this Convention has acted with more discourtesy in selecting a Committee on Emancipation than it has ever done before. It utterly refused to let a solitary man go on that committee who was not an abolitionist; for no man can be in favor of abolishing slavery without being an abolitionist.

I am for no scheme for the abolition of slavery that will not pay the loyal slaveholder for his slaves, or have his consent for the emancipation of his slaves. Now, what sort of a proposition does that gentleman (Mr. Breckinridge) bring up here to-day? It is for immediate emancipation, with apprenticeship to be controlled by the county courts. But the county courts have no right to take the labor of the slave from its owner and give it to somebody else without his consent.

I am opposed to emancipation in every fashion and form; I want the gentlemen from Pike and St. Louis to understand this. When the great varieties of opinion on this subject are seen, I hope this Convention will be charitable enough to allow me to honestly entertain the views I do. The gentleman from Pike, the Governor of the State, the gentlemen from St. Louis, and all members of this body who are in favor of abolition to-day, stand up here and admit their views upon the subject to have changed. A year or five years ago they were zealous proslavery men. It consequently shows these are but their opinions, and may be wrong at last. Five years hence they may discover that they were committing a blunder that may bring us to death and destruction.

And how is it with the Government to-day? Political blunders have been committed till we are now at the verge of ruin. We are in the predicament of a hearty, hale man who is taken a little sick, calls upon a physician, who commits blunder after blunder (as is often the case), till the poor man is brought into that condition that one more blunder will land him in the other world. So the political doctors have committed blunder after blunder, and in their zeal have applied the wrong medicine, until we stand just ready for the last dose, given blunderingly, that will ruin this government—"I call upon you who desire to abolish slavery to save the nation"! Think before you leap. "Be certain you are right, and then go ahead."

I propose now to notice some of the arguments of the gentlemen who are in favor of emancipation, or, in other words, who are abolitionists. They tell you that slavery is the cause of the war; every man who is an abolitionist will tell you it is the cause of this war. I shall try to show that they are mistaken. The gentlemen from Clinton and from Livingston have clearly demonstrated that other causes had something to do with it; and if they had not shown it, posterity will see that

the agitation of the negro question to get demagogues into office has caused the difficulty. It was the negro question, as has been said by Gen. Blair, and not the slavery question. In the south, a candidate would get up and tell the people, his constituents, that "in the north they were stealing our negroes, persuading them to run away," and such like means were used to gain support; while in the north we are told that "in the south they brand the negroes like mules, and inflict many other cruelties on them"—although, as a general thing, they are well fed, well clothed, and properly cared for. By these means a continual agitation was kept up, which put men in places of power who never would have got there in any other way. Slavery, therefore, has been used *as a means, not as a cause.*

Suppose I am mistaken, and that it was the cause of the war. What has that to do with the duty of President Lincoln or Gov. Gamble? Would not their duty be the same, whatever caused the war? Would not every man who loved his country first try to put down the rebellion, and not cry out what was the cause of the war? If I inform a man that his house is on fire, do you think he would say, "I don't want to do anything till I know how my house caught on fire"? If sane, he would say, "dash on the water"; and when it was out he might inquire as to the cause of the fire, so as to avoid the like in future. Is not our house on fire at each end?

This is not the first rebellion we have had. Go back to the whiskey rebellion in Pennsylvania, when Washington was President of the United States. Congress had laid a duty on whiskey and stills, and the Pennsylvanians rebelled against its collection. The President of the United States went at the head of a sufficient army; (I believe Mr. Lincoln has not headed any army yet to put down the rebellion;) but Washington was a man, and when he got into Pennsylvania he issued no order that the stills should be knocked to pieces and the heads of whiskey barrels knocked out, and that no more whiskey should be made. Had, he done all this, you would have said he was an old imbecile. He told them they must and should submit to the law of the land; and when they yielded, he protected the whiskey and stills, as well as their dollars and cents.

And this is the duty of Mr. Lincoln and the party in power. Instead of declaring before the world that slavery was the cause of the war, and must be destroyed: it should have been protected, and the rebellion would have been put down long ago. But Mr. Lincoln undertook a little too much. He undertook to keep the Republican party in power, to destroy American slavery, and to put down the rebellion. It is a hard job to do all that. It never can, and never will all be done. Those three things can never happen at once. The rebellion should have been put down at once. We should have protected every man who was loyal to the Government. In my opinion, if slavery and other property had been protected, and those who were not in arms against the Government permitted to remain at home until called into the service, if wanted, without being arrested, sworn and bonded, the rebellion would have been put down long since.

When Mr. Lincoln was elected, what did we hear? Those who afterwards became secessionists said, "Mr. Lincoln was elected on a sectional platform, and would now try to destroy the institution of slavery, to equalize the negro and the white man." We said, No, sir. I suppose every man elected to this Convention two years ago made pledges to his constituents to stand by those in authority as long as they stood by the constitution and laws of the land. I did, I am sure, and said, "I had no doubt that Mr. Lincoln would execute the fugitive slave law, and enforce the laws generally, as Millard Filmore had done." But how has it been in Missouri? Go back to the campaign of Gen. Fremont. He marched a well equipped army to Southwest Missouri. When his army left Springfield, he, Hunter and Jim Lane took away some three hundred negroes from loyal as well as disloyal men, and not a solitary man could get one of his negroes back, notwithstanding they and their sons had their bosoms bared to the enemy's guns in many instances. Soon Mr. Fremont issued his negro proclamation, declaring all the slaves of rebels free. Then I was asked, "what do you now say about Mr. Lincoln enforcing the law and protecting loyal citizens?" I could only say that I did not believe that he would ever approve any such outrages as those committed by Fremont. Honest, loyal men all over Missouri pronounced the proclamation a base forgery. Soon Mr. Lincoln added much to his character for integrity amongst the conservative men of the nation by revoking said proclamation, as well as those of Phelps and Hunter. Men who had once doubted what course the President would take, *now* took courage from this act, added to the declaration in his

Inaugural, in which he said, "I have no desire to interfere with slavery where it exists, and no constitutional power to do so if I desired."

It was then thought that Mr. Lincoln had determined that his country was to be protected even if his party went down. What was the result? Six hundred thousand volunteers rushed to the rescue of their distracted country. Such an array of volunteers had never been witnessed on earth before. Two million could have been obtained without a draft. They rushed forward until an order had to be issued that no more would be received.

What followed? Congress has abolished slavery in the District of Columbia, and made the negro a competent witness against his master; they have abolished it in all the Territories; have recognized the independence of Hayti and Liberia, so that we now send white Ministers to those governments and receive black ones at Washington; Mr. Lincoln has, by proclamation, declared the negroes in rebellious States free; they have endeavored to do every solitary thing the secessionists said they would do. It has divided the North and united the South. If Mr. Lincoln had at the start declared that all this should follow as soon as we got a large army, he would never have raised one, in my opinion. He never could have got a *Northern* army to organize for the purpose of overriding the law of the land.

But we are told that since slavery is the cause of the war, it should be destroyed. I again say, that is no reason for its destruction. To illustrate: I knew an old man to have a fight with a young man who had contracted marriage with his daughter, a beautiful girl about sixteen, contrary to the father's wish. All will admit that in this case the daughter was the cause of the war; but I hope none will come to the conclusion that the father should have killed his daughter, or set her free, without guardian, protector, or home, merely to get rid of the cause of the war. No, sir; his duty, toward his, perchance, erring child was still the same. We hear a great deal about State sovereignty and the authority of the General Government. There is no such thing as sovereignty in our form of government. Ours is a government within a government—each sovereign in its proper sphere; and there is no conflict. Those powers properly belonging to the State can no more be exercised by the General Government than can the State exercise the peculiar powers of the General Government. The institution of slavery is conceded to belong to the State; and Mr. Lincoln has no more to do with slavery in the State of Missouri than Queen Victoria. It is travelling as far out of his duty to recommend its abolishment as anything can be. But he has done it. If he had not thrust the slavery agitation upon the American people, and especially the border States, you and I would not have been called here to-day and asked to do violence to the fundamental law of Missouri. He has said, if the border States would abolish slavery that peace would immediately follow; that we should abolish slavery, to show to the South that we were unalterably fixed in the Union. I think such a demand made on the border States after they have thrown themselves into the breach of their distracted country—after the bones of their patriots have whitened and their blood reddened every battle-field from Wilson's creek to the last bloody battle on the Rappahannock, in defence of the stars and stripes—can be looked on as nothing short of an insult. Had the slaveholders of the border States went with the seceded States into rebellion the fate of this nation would have been sealed long ere this; and yet we are asked to give up our slaves for the purpose of showing that we are loyal.(?) It will look to the future reader of history as if Mr. Lincoln had never had an idea above that of freeing the negroes. In my opinion, the abolition of slavery in Missouri at this time will lessen the probability for ever restoring the Union. You say slavery was the cause of the war. I deny it. But admit, for argument sake, that it was, and that the South, for fear that the North would make war on slavery, went into rebellion, what then is the duty of a *Union man*? I understand a Union man to be in favor of a union, not only of all the States as heretofore, but of all the American citizens as heretofore. If that is true, it is our duty to show to the South that they were mistaken; that we are, and always have been, ready to protect them in their persons and property, whenever they will submit to the law of the land; and not demonstrate that we intend to rule them with a rod of iron.

Yes, we must show them that they were mistaken. Virginia has been cut in two—whether in the middle I cannot say. They have a sufficiently large piece to call it a State, and each State is entitled to two Senators. Then abolish

slavery in Missouri, and add two more Senators to the dominant party, and tell me if it will not lessen the chance for peace and union. Add to this, Mr. President, the fact that a law has been passed since the war commenced requiring a test oath from every man who presents himself as a Member of Congress, to the effect that he has never given aid and comfort to the rebellion, and tell me if it does not look like we desired to prevent the last glimmering hope for the restoration of this Union. We have declared to the world that no State has the right to secede; that our government is a contract, that it was made by mutual agreement, and that one party has no right to break up that contract. But I see that a court of the United States has decided, in a prize case, that the Southern States have thrown off their allegiance to the General Government: this was necessary before they could take private property as that of a public enemy. It proves a little too much. If the rebellious States have thrown off their allegiance to our Government, we have no more right to interfere with them; and it is murder to kill them in an aggressive war. But I will dare to differ with the court, and again declare that it is the duty and privilege of every American citizen to return to his allegiance, and claim protection of the Federal Government in every constitutional right. It is a duty we owe to the country and to posterity, to do nothing that will lengthen this struggle.

I have alluded to the conduct of Fremont, Jim Lane, and Gen. Hunter, in taking our negroes out of Missouri contrary to the law of the State. It is true that Congress passed an act since then, giving to the President power to use any number of negroes he might choose, and in any manner he thought proper, to put down the rebellion; but no officer or soldier in the army had any right under that act to use a slave for any purpose until so ordered by the President. The President did issue an order to the army instructing them to use as many negroes as were necessary for teamsters, ditchers, &c., excepting at the same time Missouri and other border States from the operation of said order, which order is in force and unrevoked up to the present time. And I give it as my opinion that every man, in or out of the army, who has taken slaves from their owners in Missouri, whether to use in the army or to run off and sell, are subject to be put in the penitentiary as soon as civil law can be enforced.

I voted for Governor Gamble when he was chosen to his present position, because I thought his age, character, and standing as a *man*, and a lawyer, fitted him more eminently for the crisis than any other man in the State. I yet think that no other man could have given so much confidence and respect to the Provisional Government as he did; and what I now object to is not prompted from a belief that he is disloyal, as some would insinuate. I know that to be a slander. I object to him because he has not done what he promised. He had put himself on the record, that "under no circumstance could he belong to an anti-slavery party." Had he stated previously to his election that, during the time he would be executing the office of Governor, he would recommend to the Legislature, or to this Convention, the propriety of abolishing slavery in Missouri, he would not have received twelve votes. But he expressly said after his election that to the extent of his executive power he would protect it. That was nothing more than his duty under the constitution, without any pledge except the oath of office.

It is the duty of the Governor of Missouri to see that the laws are faithfully executed. The law guarantees protection to slavery in Missouri, as well as to all other property. I hold it to be the duty of the Governor to use the whole strength of the State to assist the President to enforce the constitutional laws of the United States, and equally his duty to use the whole force of the State in endeavoring to protect the citizens of Missouri in their persons and property against unlawful seizure by any body of men, whether sent here by Mr. Lincoln or Jeff. Davis. It is equally the duty of Mr. Lincoln to assist the Governor to enforce the laws of Missouri. There can be no conflict between the laws of the State and Nation. While I am a citizen of the United States, I am also a citizen of Missouri; and have no use for Governors or Presidents, but to see that the laws are faithfully executed.

If men are allowed with impunity to collect together the property of the Union as well as disunion men; if they are allowed to uniform, arm and equip the *buck* negroes of the country, and send them round to take, by force or persuasion, all the slaves in the country, and we cannot have protection from State or National Government, we will be forced to the conclusion that our Government has proved a failure. Heretofore we have gloried in the determination of our Government to

protect the most humble citizen, whether native or foreign born, whatever the cost. If there is any one thing that gave more respect than all other acts of Mr. Pierce's administration, it was his approval of the act of Commander Ingraham in protecting and rescuing Martin Kosta at Smyrna. Kosta was a foreigner, had only filed his intention to become naturalized, had returned to his native land, and was seized under the plea that he was liable to military service when he left his native land; but our Government thought it a duty to protect him as well as every other American citizen. The glory of the stars and stripes is, that whoever can point to them as *his*, has the assurance that he is sure of protection.

On motion of Mr. HALL of B., the Convention adjourned till ½ past 2.

AFTERNOON SESSION.

Convention met as per adjournment.

Mr. ORR resumed. It is said, emancipate the slaves in Missouri, and we will never have any more agitation on the negro question. Be not deceived. I feel as sure as I do of my own existence, that if the negro is freed and turned loose among us agitation will then naturally follow, a thousand times more dangerous and alarming. Will not those who have agitated the slavery question for political purposes heretofore, and for peace to-day, then demand that the negro hold office and vote; that their children and yours go the same common school, since the negro and you are common taxpayers? Will not they demand that you and the negro sit together on the same jury and fight together on the battle-field? Are not abolitionists in Europe and in the free States of this Union contending for all the above items? A year ago the emancipation party in Missouri were for a system of gradual emancipation, with compensation and deportation; now they are for immediate emancipation without compensation or deportation. Do you think, Mr. President, such men will ever stop agitation? What was the principle upon which the Revolutionary war was fought? Taxation without representation. The negro is to be freed and turned loose; he will own property, much or little; he will be protected; because of the protection he must be taxed, and because he is taxed he must have all the privileges that other taxpayers have, or else the Revolutionary war was fought upon a false issue.

The difficulty is just beginning to loom up before us. Mr. Stanton says, "he that votes must fight." Governor Yates says, "he that fights must vote." The conscript law and Mr. Lincoln say the negro shall fight; consequently the next clamor will be for him to vote. Then my friend from Pike and the gentlemen from St. Louis, who are taking such a bold stand for Sambo, will naturally expect Sambo to remember them at the ballot-box; and Sambo will no more vote for me than the foreigner used to vote for the Know-Nothings. Do not take it for granted that peace will overspread our country as soon as the negro is made free. The abolitionists say that if we abolish slavery we shall soon be as prosperous as Illinois. I defy those who talk thus, to point to a State in this Union, or to any state or nation on this globe, where the people, generally, were more prosperous, happy and contented than in Missouri three years ago. It is true that we had not built as many railroads, nor as many fine houses, nor had we as dense a population as in some other states and countries. But, I ask you, where is the most happiness? Is it where the country is most densely populated? Go, if you please, to St. Louis—a city that will, in my opinion, be the first commercial city in the Union one day. There is a dense population; there are very few negroes, and you will find there more wealth, more paupers, wretchedness, degradation, crime, and human suffering, than in all the balance of the State. This is not for a want of enterprise there: but, in all densely populated cities and countries, paupers, crime and taxation increase. The prosperous citizens of St. Louis pay nearly as much taxes as all the balance of the State, much of which is to support her unfortunate inhabitants. If you can urge nothing better than the promise of a dense population in favor of emancipation, you can never convince the industrious, thinking taxpayer that it will promote his interest to free the negroes. The history of the world shows that as population becomes dense, taxation, crime and pauperism more than keep pace with it. But, sir, I do not expect that we, in Missouri, will have a better state of things than we enjoyed when the war first broke out. We were then an independent people—paying our just debts, and enjoying, at least, all the necessaries of life. The masses of our people were as well fed and clothed as any other people; and our children were be-

ing liberally educated, mentally and morally. I believe the poor man lived better in Missouri than in any other nook or corner of the world. And yet we are told that we have been ruined by slavery. I think I hazard nothing in asserting that the negro was never so happy, contented and free as the slaves of Missouri were when the abolitionists commenced decoying them from their masters since the war broke out, and I doubt whether they will ever be in as good condition again.

As an original proposition, I suppose there is not a solitary member of the Convention who would favor the introduction of slavery into this government. It is not your fault or mine; nor is it the fault of the unfortunate negro that he is here. Slavery was entailed on us by the English and Dutch without our consent. We must meet the difficulty like statesmen, and not shrink from it because we do not like it. I regret that there was ever a black man on this continent. I am sorry that, in the nature of things, there must be human suffering. I could never see why we could not have got along better without rattlesnakes and *copperheads*; but I am not prepared to say they are of no use, and I am still farther from saying that the Almighty did not create the negro in wisdom. But I am satisfied that socially, intellectually, and morally, he is not the equal of the white race; and if the abolition party could have been willing to submit to a dispensation they cannot understand, they might find that American slavery has been ordered in wisdom: and that the negro may yet go back to his native land, and elevate and christianize his race, that are to-day eating each other up. The negro may possibly have been a curse to the white man: he is said to have been the cause of the war; certainly American slavery has not been a curse to the negro. The black man has never been so elevated, mentally, morally, and physically, as in American slavery. So-called liberty may prove a curse to him. They are daily induced to leave their owners and seek protection in the Federal army; where they are crowded into huts, fed and clothed at the expense of the taxpayers of this government, contrary to law, and in their filth and indolence are daily dying from every disease incident to camp life, by scores, hundreds and thousands. Their freedom has been of little use to them thus far.

As to the argument that Missouri has not kept pace with Illinois and the other free States, there are other reasons than the absence of negro slavery *there* and its presence *here*. Lands in Illinois are worth more than in Missouri, and, take the State of Illinois as a whole, I understand the land is better than in any State in the Union. Illinois lies between Missouri and the old and wealthy States. The commerce of the eastern States must pass through Illinois in seeking a western market before reaching Missouri. As a matter of course the eastern capitalists would assist Illinois previous to helping Missouri. In addition to that, the abolition party have done every thing in their power for the last thirty years to make arguments that would show the free States more prosperous than the slave States. It is a fact that men of wealth will give enormous prices for land in an old settled country, already enjoying the conveniences of life, rather than remove west: that is another reason why land is higher in the east than here. We are told that the free States outstrip us, and that their land improves while ours is exhausting because of slave labor. I deny that *that* is the cause. The free States have as a general thing done the manufacturing, whilst we have produced the raw material; that will exhaust our land and improve theirs. Take two farmers with farms adjacent, equally fertile, and of the same size. Let one produce hemp or cotton, and the other manufacture it, and raise stock and retain the manure on his farm; the one would ultimately become exhausted, and the other become more and more fertile. Suppose all were to farm and none manufacture, we would simply have no market; should all engage in manufacturing, we would then have no persons to produce the raw material, and all would necessarily fail. But this is no argument against negro slavery; but if an argument at all, it is against our mode of farming. This only shows the necessity for the Constitution as it is and the Union as it was—with a South happy and prosperous, producing the cotton, and a North growing rich and commercial by the lighter and more refined, though no more honorable, pursuit of manufacturing it into useful and ornamental goods.

As truly as the gentleman from St. Louis (Mr. Drake) says that negro slavery is the same all the world over, so I say the negro is the same all the world over under the same circumstances; and if he would not work in the British colonies when he was freed, neither will he do so here. I take it that

> "A negro is a negro; you may do him as you will:
> Dress him up in broadcloth, and he's a negro still."

It seems to be a principle of their nature that they will only work when they are compelled; and I feel sure the best that can be done with *them while they remain among us is* to keep them in slavery, and treat them humanely and make them work. As to elevating the negro, and raising the price of land by taking away compulsory labor, I wish to read an extract or two from a work entitled "The Slave Trade, Domestic and Foreign, by H. C. Cary":

"How it operated in South Africa, where the slave was most at home, is shown by the following extracts from the work of a recent traveller and settler in that colony:—"'The chain was broken and the people of England hurraed to their hearts' content. And the slave! what in the meanwhile became of him? If he was young and vicious, away he went—he was his own master. He was at liberty to walk to and fro upon the earth, 'seeking whom he might devour.' He was free: he had the world before him where to choose, though, squatted beside the Kaffir's fire, probably thinking his meal of parched corn but poor stuff after the palatable dishes he had been permitted to cook for himself in the Boor's or tradesman's kitchen. But he was fain to like it—he could get nothing else; and this was earned at the expense of his own soul, for it was plundering his ancient master. If inclined to work, he had no certainty of employment; and the Dutch, *losing so much by the* sudden Emancipation Act, resolved on working for themselves. So the virtuous, redeemed slave had too many temptations to remain virtuous: he was hungry—so was his wife—so were his children; and he must feed them. How? No matter.'

"How it has operated in the West Indies we may next inquire, and with that view will take Jamaica, one of the oldest, and, until lately, one of the most prosperous of the colonies. That island embraces about four millions of acres of land, 'of which,' says Mr. Biglow, 'there are not probably any ten lying adjacent to each other which are not susceptible of the highest cultivation, while not more than five hundred thousand acres have ever been reclaimed, or even appropriated. It is traversed by over two hundred streams, forty of which are from twenty-five to one hundred feet in breadth; and, it deserves to be mentioned, furnish water power sufficient to manufacture everything produced by the soil, or consumed by the inhabitants. Far less expense than is usually incurred on the same surface in the United States for manure, would irrigate all the dry lands of the island, and enable them to defy the most protracted drought by which it is ever visited. Such,' says Mr. Biglow, 'are some of the natural resources of this dilapidated and poverty-stricken country. Capable as it is of producing almost everything, and actually producing nothing, which might not become a staple with a proper application of capital and skill, its inhabitants are miserably poor, and daily sinking deeper and deeper into the utter helplessness of abject want.'

"It is impossible to read Mr. Biglow's volume without arriving at the conclusion that the freedom granted to the negro has had little effect except that of enabling him to live at the expense of the planter so long as anything remained. Sixteen years of freedom did not appear to its author to have 'advanced the dignity of labor or of the laboring classes one particle,' while it had ruined the proprietors of the land; and this great damage had been done to the one class without benefit of any kind to the other. 'From a statistical table published in August last, it appears,' says the New-York Herald, 'that since 1846 the number of sugar estates on the island that have been totally abandoned amount to one hundred and sixty-eight, and the number partially abandoned to sixty-three; the value of which two hundred and thirty-one estates was assessed in 1841 at £1,655,140, or nearly eight millions and a half of dollars.'

"'There is but little heard of,' says Dr. King, 'but ruin. In many districts,' he adds, 'the marks of decay abound. Neglected fields, crumbling houses, fragmentary fences, noiseless machinery—these are common sights, and soon become familiar to observation. I sometimes rode for miles in succession over fertile ground which used to be cultivated, and which is now lying waste. So rapidly has cultivation retrograded, and the wild luxuriance of nature replaced the conveniences of art, that parties still inhabiting these desolated districts have sometimes, in the strong language of a speaker at Kingston, to seek about the bush to find the entrance into their houses.'

"'The finest land in the world,' says Mr. Biglow, 'may be had at any price, and almost for the asking. Labor,' he adds, 'receives no compensation, and the product of labor does not seem to know how to find a way to market. Properties which were formerly valued at £40,000 would not command £4,000, and others after having been sold at six, eight or

ten per cent. of their former value, have been finally abandoned.'

"The following is from a report made in 1849 and signed by various missionaries: Of Guiana generally they say, 'it would be but a melancholy task to dwell upon the misery and ruin which so alarming a change must have occasioned to the proprietary body; but your Commissioners feel themselves called upon to notice the effects which this wholesale abandonment of property has produced upon the colony at large. Where whole districts are fast relapsing into bush, and occasional patches of provisions around the huts of village settlers are all that remain to tell of once flourishing estates, it is not to be wondered at that the most ordinary marks of civilization are rapidly disappearing, and that in many districts of the colony all travelling communication by land will soon become utterly impracticable.' Of the Abary district—'Your Commissioners find the line of road is nearly impassable, and that a long succession of formerly cultivated estates presents now a series of pestilent swamps, overrun with bush, and productive of malignant fevers.'

"Under these circumstances it is that the London Times furnishes its readers with the following paragraph, and as that journal cannot be regarded as the opponent of the classes which have lately controlled the legislation of England, we may feel assured that its information is to be relied on: 'Our legislation has been dictated by presumed necessities of the African slave. After the Emancipation Act, a large charge was assessed in aid of civil and religious institutions for the benefit of the enfranchised negro, and it was hoped that those colored subjects of the British crown would soon be assimilated to their fellow-citizens, from all the information which has reached us, no less than from the visible probabilities of the case, *we are constrained to believe that these hopes have been falsified. The negro has not obtained with his freedom any habits of industry or morality. His independence is little better than that of an uncaptured brute.* Having accepted none of the restraints of civilization, he is amenable to few of its necessities; and the wants of his nature are so easily satisfied, that, at the present rate of wages, he is called upon for nothing but fitful or desultory exertion. *The blacks, therefore, instead of becoming intelligent husbandmen, have become vagrants and squatters; and it is now apprehended, that with the failure of cultivation in the island will come the failure of its resources for instructing or controlling its population.* So imminent does the consummation appear, that memorials have been signed by classes of colonial society heretofore standing aloof from politics, *and not only the bench and the bar, but the bishop, clergy, and the ministers of all denominations in the island, without exception, have recorded their conviction that in the absence of timely relief the religious and educational institutions of the island must be abandoned, and the masses of the population retrograde to barberism.*'

"That the English system in regard to the emancipation of the negro has proved a failure is now admitted even by those who most warmly advocated the measuses that have been pursued. The Falmouth (Jamaica) Post, of December 12, 1852, informs us that "the land owner has been ruined and the laborer is fast relapsing into barberism, and yet in face of this fact the land owners of the Southern States are branded throughout the world as 'tyrants' and 'slave breeders' because they will not follow in the same direction. It is in face of this great fact that the people of the North are invited to join in a crusade against their brethren of the South because they still continue to hold slaves, and that the men of the South are themselves so frequently urged to assent to immediate and unconditional emancipation. In all this there may be much philanthropy, but there is certainly much error.'"

Mr. HITCHCOCK. What is the title of the work?

Mr. ORR. It is a work by H. C. Cary on the slave trade. It is a work ostensibly written to get rid of American slavery, but tells a few facts as it goes along. [Laughter.]

Then it has been said, that abolishing slavery will raise the price of Missouri land. Suppose it does! It may be an advantage to some speculators, but will it always be an advantage to the farmer? Suppose a man has a farm which he cultivates in order to support his wife and children; suppose it is at Springfield, one hundred and fifty miles from navigation and fifty miles from anywhere else, [laughter,] what advantage, in this time of high taxes, will it be to him to raise the price of his land unless something is to enhance the price of his corn? I do not see that the advance in the price of his land would be any advantage at all to him. The simple truth is, the abolition of slavery will do no such thing; but when you have introduced improvements,

and built railroads, and brought Springfield contiguous to good markets, you *will* raise the price of both corn and land.

In some of the West India islands the whites have been taxed to help support the negroes. Machinery has been sent to them, and every means made use of to raise the inhabitants; but it has all been without effect, and they have been abandoned to their fate. We think that by turning the negro loose we benefit him. Foolish! We are going contrary to the law of nature if we think that in twelve or thirteen years we are going to make him fit for the privileges and responsibilities of citizenship God Almighty has *not done it in six thousand* years; and your abolition scheme is going contrary to God and nature.

Now it may be said that the extracts I have read refer to the negro in the British colonies; but the same will be the case here when he comes to take care of himself, and everywhere else on this globe, unless he is kept in bondage and treated as humane and educated white men ought to treat him. And thus it was and would have continued had it not been for the infernal outrages of the abolition party in attempting to stir up the passions of the slave population against their masters; but, contrary to the expectations of the negro-loving party, they could not get up a negro insurrection. That party would now have us believe that the negro is prepared for self-government. We know it is not so, and every free man who has not the capacity to govern himself is a curse to the government under which he lives and to the community in which he resides.

We are now told that with slavery abolished—slavery that has hung like a millstone round our neck, though we have not felt it—Missouri will advance to peace and prosperity. I do not think so. The gentleman from Pike admitted that something besides slavery had brought trouble and evils upon our country; that the liquor traffic had been a little drawback to the peace, happiness and prosperity of our country. There is no individual who does not know that the liquor traffic has entailed a thousand fold more curses, blight and mildew upon us than the negro and abolition questions put together. As to the possibility of emancipation bringing peace, prosperity and population to Missouri, I deny it altogether; and if it were so, I would ask you in the name of God to leave it alone till we get out of our present great difficulty. Besides, when you talk of the negro being capable of self-government, I ask you to wait until the white man demonstrates to the world that he is capable of self-government. We are now but trying the experiment. Should we by injudicious action bring anarchy and destruction on this Government, once the hope of downtrodden millions, we will be held responsible by unborn generations that will come after us, for not securing to them the blessings we have enjoyed of a free and republican government.

The Eastern States have become free, not by the emancipation of their slaves, but by selling them: now they are insisting that to own slaves is wicked, cruel, and anti-christian, and demand that we shall emancipate ours without compensation, or that Mr. Lincoln shall do it as a military necessity (the argument of a tyrant). What do we hear the anti-emancipation party say? I mean those who say they are going for emancipation as a matter of policy. They tell us that slavery is *doomed* in Missouri, and therefore it is the duty of the friends of the institution to take the abolishment of it in hand to keep the Radicals from abolishing it. In other words, that we *must* abolish slavery, or the Radicals *will*; that *we* had best control it. Now I understand from the reading of an old book called the *Bible*, that mankind is doomed; that "Adam eat the forbidden fruit, and because of that, man is doomed to die"; the decree has gone forth, "dust thou art, and unto dust shall thou return"; that "death has passed upon all men, for that all have sinned." Then, I conclude, if the friends of slavery should take its destruction into their own hands because it is doomed. The same parity of reasoning would make it your duty to call in your family and friends, and thrust a dagger to your heart. Since you have to die, and may be murdered by an assassin, or die out in the cold, it is a duty you owe to yourself and family to control the matter *now*, while you can, and in such a manner as to afford your family and friends an opportunity to bid you a long farewell, and then bury you decently. Is not the one argument just as logical as the other?

We are told by the abolitionists that slavery don't pay in Missouri, and therefore it should be abolished. In answer to that, I believe, so far as dollars and cents are concerned, there is very little pay in Canary birds, fine carriages, or pianos; but we claim the right to choose for ourselves whether we will ride in splendor, hold in captivity the little sweet singers, or

purchase a piano for our daughters to amuse the children with; and no person has a right to complain as long as we pay our taxes and debts. We hear it asserted that "any man who is opposed to emancipation in Missouri, thinks more of slavery than of his government." I think more of the constitution of my country than of the negroes and abolitionists both together.

Slaveholders sometimes declare that whenever it comes to the alternative of giving up slavery or the government, they will give up slavery. To such nonsensical declarations I have only to remark, that no such duty can ever devolve on any man in this government as long as the government exists. It is the duty of every citizen of the United States, not only to give up his negroes, but every species of property, in proportion to what he is worth, and as long as he has a dollar's worth, to raise revenue to sustain the government in accordance with the constitution and laws: I mean, when taxed as others. But I deny that it is or ever can be his duty to free his negro, or abandon any species of property, to quiet the whims of any class of citizens because it may be distasteful to them. Slavery being recognized by the constitution and laws of the United States, it is the duty of every citizen in the government to assist to protect it in any State where it exists, until abolished in a legal way by the people of the State. We may own them or not as we choose, and may use all our influence in a legal way to have the institution of slavery removed from the State; but until that is done we can no more ask a man to give up his slave than any other property.

When the government was formed, slavery existed in every colony out of which it was made; and the government would never have been made had not slavery been protected, nor would it have been agreed to without a constitutional provision for the continuation of the African slave trade until the year 1808. That may have been a blunder, but is nevertheless a fact. Slavery entered into the formation of the government, and while it exists is a part of the government. I understand the Government of the United States to be — the Constitution and laws made in accordance with said Constitution. In apportioning representation, five slaves have been allowed by the Constitution of the United States to equal three white men. It has ever been protected by law as no other property has, and it is not a matter of choice, but of duty, for every law-abiding citizen to still protect it. The anti-slavery party have a perfect right to have the State constitutions changed where slavery exists, and abolish it, if they can, in accordance with the provisions of said constitutions. If they cannot do that, they have the right to emigrate.

We are told that not more than twenty-five thousand citizens of Missouri are slaveholders, and that the property of that small number should not stand in the way of the welfare of the State. I understand it to be a principle in government that the property of minorities and individuals is to be held sacred; and if majorities desire to get rid of any species of property for the public good, it is their duty, morally and legally, to pay for it. You have no right to ask one citizen to give up one dollar more for the public good, than every other citizen is required to give who is worth or owns the same amount of property. As to abolishing slavery as a military necessity or peace measure, if I thought it to be my duty to take such a position as that, I would desire to accomplish it this evening, and not put it off seven years. I hope the war will not last that long.

I understand loyalty and protection to go together. I am for the Government of the United States because it is for me. We love and support it, not because it was made by Washington and his compatriots, but because we think it the best government in the world; because up to this war those who have administered the government have thought it their duty to protect property of every kind, whether they were in favor of every species of property or not. Should Mr. Lincoln and the abolition party persist in the destruction of our property because somebody else has done wrong, it strikes me that that will hardly increase our loyalty. Suppose there is a gentleman teaching school in Jefferson City, where all our children attend. The teacher has certain rules and regulations, but among the students there is a certain Young American who decides for himself that he will not submit to the laws of the school, and proceeds to take charge of a portion of the school himself in one corner of the building, and doggedly resists the authority of the teacher. When my son comes home he tells me just what Young America has done, and how the teacher has tried everything he could to induce him to submit. I say to my son, "When you go back, you stand by the school teacher, submit to his authority and to the laws of the school, and as far as you can

induce others to do the same." But it is found that the dispute cannot be settled, and at length the schoolmaster and Young America come to blows; but the teacher, finding he has more on hand than he supposed, gets a switch and commences whipping right and left, friend and foe alike, those who stood by him as well as those who rebelled. What would you be likely to do under such circumstances? You would go and kick him out of the schoolhouse for his stupidity and brutality. But President Lincoln and Governor Gamble are now asking the loyal people of Missouri to abolish slavery and give up their property as a peace measure, because some citizens of the United States have rebelled against the law, and you propose to acquiesce!

What has become of all the negroes taken out of this State, one hundred and fifty going on the cars at a time? They are flocking to the Federal army, and you and I taxed to feed and clothe them. I read of hundreds of northern ladies being sent down South into Hunter's Colony to teach the young idea how to shoot, and they too are paid by the Government contrary to law. The gentleman from Pike stated here last year that ships were filled with negroes on the eastern shores, under the mouths of the cannons, and sent to Cuba to sell. That is not done by slaveowners, but by the Abolitionists. I saw an article in the Missouri Democrat the other day stating how men managed to get negroes through St. Louis to sell in Kentucky. From the above evidence and many other facts that I could give, I come to the conclusion, that while some are armed and equipped as soldiers, others are sold and the proceeds put into some anti-slavery man's pocket. Mr. Stanton ordered many a one sent to Chicago at public expense for *servants* for citizens there. Some member has said that "reformations never go back," but it is not everything that goes by the name of reform that is really such. There was a reformation commenced in this country some years ago, called the Main Liquor Law Reform, promising to dry up the liquor traffic and remove from the youth and the unfortunate inebriate the temptation that was cursing, withering, and blighting the country; but I believe the Main Liquor Law Reform has gone back, and if so, it shows that reformations do occasionally go back, and that philosophers sometimes make blunders.

I think that the Government of the United States in attempting to advise us what we should do with our negroes, travels out of its proper line of duty; it is an acknowledgment of the principle of centralization; but for myself I do not think it is the duty of the President of the United States to dictate to us in this matter. But the gentleman from Pike said if we had acceded to the proposition made by Congress at the proper time, they would have furnished the money. I am just as well satisfied that Congress would not have furnished a single dollar. They wanted us to change our Constitution and abolish slavery, and then we should have been left to take care of ourselves. The gentleman from Pike asked Congress for twenty millions of dollars if we carried out emancipation immediately, and ten millions if we put it off for a time; but I cannot see why we should not want as much if emancipation were deferred a few years as if it were to be consummated sooner.

If we desire to abolish slavery in Missouri we have the undoubted right to do so, by changing the Constitution and law. That can only be done in one way. The Constitution of Missouri makes provision for its own amendment: "The General Assembly may at any time propose such amendments to this Constitution as two-thirds of each house shall deem expedient, which shall be published in all the newspapers published in this State, three several times at least twelve months before the next general election; and if at the first session of the General Assembly after such general election, two-thirds of each house shall, by yeas and nays, ratify such proposed amendments, they shall be valid to all intents and purposes, as parts of this Constitution: *Provided*, that such proposed amendments shall be read on three several days, in each house, as well when the same are proposed, as when they are finally ratified." Any other mode of changing the Constitution I hold to be revolution. No man can support the Constitution of Missouri and propose to change it in any other way than that pointed out by itself. A member of the General Assembly can, in accordance with his oath taken to "support the Constitution of Missouri," propose to change every section of the Constitution, as above prescribed, but it will require two sessions of the Legislature, and men cannot wait so slow a process. Hence they argue that the Declaration of Rights declares "that the people of the State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their constitution and form of

government whenever it may be necessary to their safety and happiness." I admit that to be true, and should regret to have to live in a government where it was not true, and conceded to be true by the masses of the people. But I deny that that clause in the Declaration of Rights gives to this body any right to change, alter or abolish the Constitution. I have heard it proclaimed, scores of times, that *we* were the *people;* but I deny it—and assert if every voter in the State were here in person this evening, and were to sign their names to an ordinance changing the Constitution, or abolishing slavery without compensation, or the consent of their owners, it would be a nullity, and would be so declared by any court that was not a political machine.

We the people do have the right to change the Constitution; and we the people of Missouri have made a Constitution in which we have designated how we will amend or change it. There is a maxim of the law that "the express mention of one thing excludes all other things." Our Constitution, having expressly and specifically pointed out one way by which the people are to change it, clearly prohibits its change in any other way, manner or form. Hear what George Washington says:

"If, in the opinion of the people, the destruction or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use may at any time yield."

We are told that ours is a Government of compromise, and that we ought to pass this ordinance, and abolish slavery in this State, without compensation, deportation, or consent, as a matter of compromise. Our Government *is* one of compromise; but the compromises were all made at the formation of the Government. I should regret to see any member of this Convention willing to compromise the Constitution of Missouri, or the oath he has taken to support it. The Constitution of Missouri, and her admission into the Union, was a compromise on the slavery question, made by a body of statesmen unsurpassed for talent and patriotism by any body of men ever assembled, in my opinion. Missouri was admitted with her slavery clause, and with the clause showing how amendments were to be made, and the balance of the Louisiana Territory was to be free. If there is any stability in contracts, or any binding force in constitutions, then we have a right to expect that the Constitution of Missouri will remain as it is until changed according to the contract made with the Congress of the United States and the people of Missouri. Before I left Tennessee, I read and approved the Constitution of Missouri, and have come here, as other slaveholders have done, fully relying on the integrity of the Constitution and laws of the State to protect me, for all time, in the legal right to hold and own slaves; and that no effort would ever be made to abolish slavery without the consent of the owners, or first paying a full equivalent for them, until the Constitution is changed by a two-thirds vote of two consecutive Legislatures. Knowing that two-thirds of both Houses of two Legislatures was hard to obtain, I chose Missouri as my adopted home, and moved here, as thousands of other slave-owners have done, perfectly content to support the Constitution as it is, or submit to any change it might undergo in accordance with its own provision. I suppose every anti-slavery man in the State, whether from Europe or from another State of this Union, came here as I did, to submit to the law as he found it, until it could be changed in accordance with the Constitution.

It is perfectly legitimate for the Abolition party to obtain a change of the Constitution as prescribed in Article XII., whenver *that* can be done fairly; but I have a right to expect protection under the law as it is until so changed. Constitutions were made to protect minorities; majorities can always protect themselves. There is no safety but in a strict adherence to the Constitution and laws of the land. I know that men claiming to be loyal, and for the Union, are denouncing men as traitors who are contending for the Constitution and laws. I know that I have been held as a prisoner of war for eight months, and tried by a military commission, for no other crime than avowing that every American citizen, from Mr. Lincoln to the most humble citizen, were bound by the Constitution and laws of the land, in war, as well as in peace. I still stand by the Constitution, the Union, and the enforcement of the laws; and now give it as my opinion that the present rebellion never will be put down, and the Union restored, unless it is done in accordance with the Constitution and laws of the

United States. Still, we hear men cursing the Constitution, and declaring that it was never made for war but for peace.

When I was a candidate for a seat in this Convention, I had an opponent (Mr. N. F. Jones) who, in a circular, declared that the "Union is dissolved; the Constitution is broken up; the Government has proved a failure." I said to him, "No, sir; I am in the Union; I have a Constitution and Government prepared for any and every emergency." But if it is, as some Union men *now* declare, that the rebellion cannot be crushed in accordance with the Constitution and laws, he was right when he said the Government had proved a failure, and I was wrong. But I still aver that our Constitution has made provision for both war and peace; we only desire to see the law enforced.

We have heard much said as to the power of this Convention. I will briefly give my views as to its power. I have heard and read the arguments for and against the legal power of this body to change the Constitution and laws of the State made by the best lawyers and writers in the State, and have examined carefully for myself, for two years and a half, and now feel as sure as I do of *any* proposition, that it, or any other Convention that can be called by the Legislature of Missouri, or the people of the State, has no more legal power to do either than the Supreme Court has. My friend from St. Louis, (Judge Breckinridge,) and many others, refer, as the best they can do, to the act of the General Assembly calling the Covention, in search of power to change the Constitution and abolish slavery by this Convention. There was no such a proposition thought of by the members of the Legislature when the act was passed; but I will admit that this Convention has just as complete power to revise the Constitution, and pass an emancipation ordinance, as a new one called for the express purpose would have. The Legislature can, in one legal way, change the Constitution, but can neither do it in any other way nor delegate the power to any other body. As well might the General Assembly pass an act delegating to some other body the right and power to pass all the laws of Missouri—a proposition too absurd to consider for a moment, and one that has been declared unconstitutional and void in every State where such a law was ever attempted to be enforced. I have heard it argued by members of this body "that our Constitution prescribed one mode of changing it; but does not say it may not be changed in any other mode, or in many other modes." The Constitution of the United States declares each State "shall have two Senators, chosen by the Legislature thereof;" but does not say they may not be elected or chosen in any, or many, other modes. Now, since the Legislature has failed to elect two Senators for Missouri, as the law directs they shall, suppose we elect them by this Convention.

What do you think Congress would do when they present their credentials and ask to be sworn in as Senators from the State of Missouri? They would simply kick them out, saying, "Depart from us; we know you not." I am astonished to see good men willing to overleap the prescribed mode of changing the Constitution, to form a precedent that will unsettle the very principles of all human government. If the Legislature of Missouri can, to avoid the safeguards thrown around minorities, call a Convention by a mere majority of both branches of the General Assembly, and that Convention, when so called, can, by a mere majority, change the Constitution and abolish slavery in the State, any succeeding Legislature will have just the same power, and can call another Convention, change the Constitution to suit some other political excitement, and declare that every "American citizen of African descent" in the State shall be a slave for life. It was never intended by the framers of any constitution that mere majorities should, directly or indirectly, have the power to change it. It has ever been the policy of statesmen to so frame their constitutions, that it would require time and afford reflection before the fundamental law could be changed. There is not a member of this Convention who would vote to ratify a constitution of the United States or of the State of Missouri in which a provision was made for its change by a majority of either the people or the Legislature; for such a proposition would be equivalent to a government without any constitution, and by the whims of whatever party could raise the biggest excitement. Take, if you please, the thirty-four constitutions of the States of this Union, (I will not insult the good sense of the members of this Convention by supposing the revolutionary, seceded portion of country, called West Virginia, has a Constitution; but take all the balance,) and no one that I have ever met with has ever provided for its amendment by a majority, and no two are changed in the same manner. The Constitution of the United States, and some of the State constitutions, may be

changed either by the Legislature, or by a Convention called for that purpose, in accordance with their own provisions; but this is the second time I ever knew an attempt made to change a constitution by any other mode than the one pointed out. The people of Rhode Island, living under a charter from the British Government that made no provision for its amendment whatever, did in 1841 change their constitution by a Convention called by the people, and ratified by a large majority of the male citizens over twenty-one years old in said State. They elected a Governor, Legislature, and other civil officers. The Legislature met and remained in session two days; and the Governor was tried, convicted, and sent to the penitentiary for life, but was afterwards pardoned. That convention had just as much legal power to change the constitution as this; but its acts were ever after treated as a nullity. In making our Government, we gave or delegated certain powers to Congress, certain other powers to the State Legislature, and retained certain other powers to the people. Those powers delegated to Congress or to the State Government are not retained to the people. Having delegated to the Legislature of Missouri the power and right to change the constitution, no other person under Heaven can, in a legal way, assume that power. I have been often tauntingly asked, when contending that those in authority under the Federal Government should adhere to the Constitution and laws, whether Jeff. Davis and his followers were sticking to the Constitution and laws. I answer, no. They never set out to sustain the Constitution and laws of the United States; but we did.

You assume that you have the power to change the Constitution of Missouri and abolish slavery without referring it to the people for their ratification or rejection; in other words, that this Convention is above the Constitution, and above the people. And I give it to you as my opinion that the people will show those who vote for such a proposition that they have heard of the old abolition higher-law doctrine that was higher than people or Constitution before; and that the party voting for such a proposition will never be known by the people in future elections. We are told that the people do not desire that we should thrust such an agitation on them at this time as the ratification or rejection of this ordinance would cause—(*that*, I am satisfied is true to the letter, but not for the reason given;) that they have confidence that we will reflect their will (but because they are not for emancipation at all). I canvassed the State three years ago, and have been in a position affording as many facilities to ascertain the wish and desire of the people of Missouri on the slavery question up to the present time as any man in the State; and I have no idea that the legal voters of a solitary county in the State of Missouri are in favor of any scheme of emancipation that is at all practicable. A majority of the people would likely, under the circumstances, vote for a proposition that would pay for the slaves and send them out of the State; but to turn them loose amongst us without paying their owners for them, I tell you now the only safe way is to do so without consulting the people, for they would vote it down. Every good man who is a lover of law and order will admit that the people of Missouri have the perfect right to change the Constitution of the State in accordance with its own provisions, and then abolish slavery, and no danger of resistance being offered. But I tell you, that if you abolish slavery violently, and by overriding the Constitution, you will settle the slavery question about as the Missourians settled it when they went into Kansas and voted slavery into that territory; that was, as you know, with a vengeance. The proposition of the gentleman from St. Louis, (Mr. Breckinridge,) proposes to raise a specific fund to support the negroes thus emancipated who are not able from any cause to support themselves, or at least provide that the Legislature shall, and shall also provide for the proper treatment of the slaves apprenticed. Now the law makes provision for the care of white paupers, but it seems he is not content that the negro gets his equal share of that fund, but must have a specific and peculiar one in addition. As to what the Abolitionist would call proper treatment of a slave might be for their owners to give them their best wagon and team and send them off, or it might be demanded to leave himself and give the negroes the farm.

Mr. President, I now propose to strike out, by way of amendment, the first section of the ordinance which proposes to amend the Constitution. I desire to see how many gentlemen are willing to override the Constitution of Missouri, and do in a few minutes what the framers of the Constitution contemplated would require at least three or four years. Some member accused the gentleman from Clinton the other day of offering a proposition that he knew

would not pass. I hope no member will come to the conclusion that I have not a right to suppose my amendment will pass; that I have not a right to expect that every member here will think before he overleaps the Constitution.

In conclusion, let me say that I hope this Government will not be broken up; but if the South gains one solitary State, I hope they may get it all; I want it all to remain together. I can see no hope in separation. I think I see a conservative element in the North, headed by Horatio Seymour, in which there is hope for the restoration of peace and union. I believe that man and his party will be able to save this Government from wreck, and I expect to help him do it, let me be called Democrat, Copperhead, or whatever appellation may be applied. Those who have known me can testify that I have done but little for the Democratic party in Missouri; but to save this Government I will act with any party who adopts my platform, "THE UNION, THE CONSTITUTION, AND THE ENFORCEMENT OF THE LAWS." As to the term Copperhead when applied to a party, I don't know what is meant. If it is intended as a comparison to the little snake of that name, that defends itself by endeavoring to bite whatever crowds on it, I believe I would rather be a Copperhead than a *Black* Snake, the loathsome reptile that has no other means to destroy its victim but to slime it over and endeavor to swallow it whole.

I cannot support any proposition to change the Constitution, or abolish slavery, by this Convention, as long as I revere the Constitution of my country, or regard the obligation of an oath.

Mr. HOUGH. Mr. President: there has been much said in regard to the power of this Convention. A large majority have indicated by their speeches and votes that its power was alone limited by the Constitution of the United States. Acting under that view of supposed authority and duty, the Convention has assumed and exercised every power of State sovereignty. While I readily admit the actions of the Convention to be the result of honest convictions and patriotic motives, I have not been so fortunate as to come to the same conclusions a majority has, in regard to the legal propositions which have been presented to our consideration.

The powers of the Convention, in my opinion, are limited by the act of the Legislature which authorized the election and meeting of this body.

All power is inherent in the people. They can delegate their whole sovereign power to a Convention, or only a portion of it. If they delegate the whole power, the Convention would act as a general agent of the people, and could do every thing the people could do, as fully as if they acted themselves in a collective capacity. If the people only delegate a portion of their sovereign power to a Convention, it would act as a special agent, and all its acts within the scope of the delegated powers would be binding; all acts outside of that authority would be void unless they were subsequently ratified by a vote of the people. The people is the principal and the Convention is their agent, and the law governing the transactions of principal and agent in the ordinary affairs of life is properly applicable to illustrate the powers of this Convention.

This body was selected by the people for certain purposes, which were specified in the act of the Legislature which authorized its existence. The objects which the Convention were required to act upon, when it met, were the relations existing between the State of Missouri and the General Government, and the relations existing between the State of Missouri and the other States of the Union; and we were especially required to protect the sovereignty of this State and its institutions. I do not quote the words of the act referred to, but content myself with stating its substance. Slavery was the very institution to which the Legislature referred. We were elected for the purpose of protecting and preserving that institution, and not to destroy it. Sir, I was amazed when I read the Governor's proclamation to convene the Convention for the purpose of emancipating slaves. It was distinctly understood, I suppose, by the constituents of every member on this floor, when we were elected, we were to protect slavery. It appears to me to be an egregious breach of public trust to do otherwise. The ordinance reported by the Committee on Emancipation provides for abolishing slavery without compensation to the owners. I deny the power of this Convention to abolish slavery. From what source do you claim the authority? From the act of the Legislature? No, sir. That requires us to protect slavery.

Do you claim the authority from any fair expression of the people since our election? No, sir. There has been no such expression,

nor can there be while the public mind is so much inflamed. The power attempted to be exercised, in my opinion, is alarming in the highest degree. The provisions of the ordinance, to take private property for public use without compensation to the owners, is a startling proposition, at war with the Constitution of the State and the United States. It is a deadly blow at the vitals of our republican institutions. We ought to show the world, by our words and acts, that we abhor such radicalism. No king in christendom would endanger his crown by such an act of flagrant injustice to his subjects. To illustrate the enormous wrong proposed by the ordinance which the Committee has reported: Suppose a proposition was presented to this Convention to sell all the real estate of St. Louis to pay our State debt, complete our internal improvements, to sustain common schools and establish seminaries and colleges. I think it can be clearly shown that this would be for the public good; it would invite population and capital from other countries. We could pay our State debt without taxing the people. We could extend our railroads to every desirable part of the State, and build up educational institutions that would shed a lustre upon the name of Missouri in all time to come.

If such a proposition were made, the learned gentleman from St. Louis would not be slow in finding arguments to show its injustice and illegality. I think they could show that the provision of the Supreme Law of the land, (the Constitution of the United States,) which declares private property shall not be taken for public use without compensation to the owner, was violated. I know it might be said that provision was only applicable to cases where the General Government took private property. Even if that be so, I think the spirit of the Constitution and the genius of our institutions might be successfully invoked to shield private rights from such grievous infringements of blind power. Any law is void which destroys rights and principles, the protection of which induced men to form a government. The protection of persons and property are the chief objects of a good government. Neither right can be violated without bringing shame upon our institutions.

It would be no greater wrong to take the real estate of St. Louis for public use without compensation to the owners, than it would be to take the slaves from their owners without compensation. The principle is the same in both cases. I never would give sanction to such a wrong by my vote under any circumstances whatever.

It is said slave owners will receive some remuneration for their freed slaves in the increased value of their real estate. If that were true, it does not satisfy the law. The payment must be in money. Indeed, I doubt whether lands will be increased in value by reason of emancipation. Surely they will not be in any reasonable time. A large portion of the valuable improved farming lands are owned by slaveholders. Farms have been made and arranged with a view to employ slave labor to work them. They are not fitted for the tenant system, as they are in the non-slaveholding States, and cannot be so arranged without a great outlay — a greater amount than most farmers will be able to command after they are deprived of their slaves. Farmers generally make their farms on one side of their tracts of land, and have their timber altogether on the other side. If they have to sell their lands, as most of them will doubtless be compelled to do if they are deprived of their slaves, they cannot divide them in small lots, so as to have tillable land and timber together. Unless this could be done, their lands would not be salable in that way; and it is not likely that many sales could be made of large tracts, such as the hemp, tobacco and grain growers generally have who use slave labor. There are too many farms, and too few purchasers. Instead of emancipation enhancing the value of real estate, it will doubtless — for a time, at least — have a tendency to diminish its value. I can see nothing in the future for slave owners but ruined fortunes.

No argument or sophistry, however ingenious, will be sufficient to satisfy plain, practical men that they are benefitted by giving up the earnings of a lifetime without compensation. The gentlemen from St. Louis, Mr. Drake and Judge Breckinridge, pass over that part of the proposition which disturbs vested rights with a softness and an address of experienced rhetoricians, and attempt to enchant us by an imposing picture of the prosperity and grandeur which is to follow in the wake of emancipation. If gentlemen would allow their imaginations to visit Mexico, the South American States, and the West India Islands, where the abolition of African slavery has done its work of ruin, I think they would become slightly sceptical about its practicability in Missouri. We find no evidence in these countries that either the

white or black races have been benefitted by the change emancipation has wrought; but we have evidence that it has produced the most deplorable results — physical, moral, and intellectual. I shall not stop now to contrast the condition of those countries with slavery and without it. I cannot see how the white race, where slavery exists, is to be benefitted by emancipation, and I am sure the black race cannot be.

Nowhere on the face of the earth has the negro race given any satisfactory evidence of their capacity for self-government or the attainment of civilization. When left alone to govern themselves, they are indolent, thriftless, and brutal. They seem to have no elevating inspirations of soul, nor any capacity for the enjoyment of intellectual luxuries. I speak of them as a race; there are exceptions, I am sure, to the general rule, which are exceedingly gratifying to the philanthropist. Judging them from our stand-point of civilization, and taking into consideration their natural proclivities and habitudes, they appear to be designed by the all-wise Creator of the Universe to occupy a subordinate position among the other races of men. Whether their enslavement has the Divine sanction or not, is a question which I leave to theologians to discuss and settle. I may be permitted, however, by way of passing remark, to state that, wherever the black race is found, they are either slaves, vagabonds, or savages.

I feel sure if the black and white races live together the relation of master and slave ought to exist. I admit the system of slavery, like almost everything else, has its evils, but I fancy those evils are not beyond the reach of wise and humane legislation. I do not oppose emancipation because I have anything against the poor slave. I am willing to do everything I can, consistent with the good order and interest of society, to ameliorate his condition and promote his happiness.

You cannot bring the white man down to the level of the black man, nor raise the negro to the level of the white man, There never can be any homogenity of feeling between races so dissimilar in their moral and intellectual capacities, tastes and habits. If this ordinance is adopted, in my opinion, instead of the tremendous influx of intelligent white men from the Eastern States and Europe, our State will be overrun by swarms of black, brutal negroes, who have obtained their freedom in the Southern States under the President's proclamation. Many eminent jurists, among them the Attorney General of the United States, are of opinion that a free black man, born in this country, is an American citizen. I do not concur in that opinion; yet the judicial mind of the country seems to be drifting in that direction. I have reason to believe that construction of citizenship will be established by the courts. If that be so, we cannot prevent them from residing in the State; they will remain here in all time to come. If the negroes are emancipated, I do not see how we will get clear of them; but I think I can see that they will be placed on an equality with the whites. I have no idea that will take place immediately; it would be too great a shock to the public feelings; it will be accomplished by gradual invasions upon our thoughts and habits. The future of Missouri, with slavery abolished, does not present a fascinating picture to my view. I fancy I can see a mongrel population controlling its destiny; I can see the land overrun by paupers and lawless vagabonds, and a civilization on a level with the Mexicans.

I know there are a great many persons opposed to slavery. I do not doubt but they are honest in their opinions; it is mainly, I suppose, the result of education. They adduce plausible arguments to show it is wrong in the abstract, but they wholly fail to point out any means by which we can get clear of it without inflicting a greater evil upon society than is removed. I want to let the institution alone. There are silent causes in operation which will certainly accomplish, in a quiet way, what gentlemen on this floor are trying to accomplish by bold and dangerous strokes of policy. Whenever hired labor becomes cheaper than slave labor, masters will be governed by economical considerations, and will dispense with slave labor. A dense population will produce that result. If gentlemen will be patient and wait, the population will come. If immigration should cease, the increase of the present population would drive out slavery in a few years. That is the best way to get clear of it. It would be a peaceable operation, and would not inflict any injury upon private rights. We would show the world, too, that self-governing Americans can accomplish great social revolutions peaceably, with decency and dignity, and without departing from the path of rectitude.

The fallacy of the assumption that slavery is the cause of the war has been so fully demonstrated by the unanswerable arguments of the gentleman from Clinton (Judge Birch) and

from Livingston (Col. Woolfolk), that I shall not pause to make any additional remarks upon that subject.

Sir, I believe a majority of the members of this Convention are pro-slavery men, yet I think many of them are disposed to vote for emancipation in some shape. They are inclined to do so to secure slaveholders in their rights for a few years longer and to quell slavery agitation. Sir, I have the most profound respect for the motives of such gentlemen. I would ask those gentlemen, however, what guarantee or assurance have they that their hopes will be realized? No one, I suppose, has authority to bind fanatics and agitators by any compromise. It cannot be done. They have an insatiable appetite for mischief. They will war upon slavery as long as it exists, and when it is overturned, they will become as troublesome on some other dogma as they are upon slavery. I tell gentlemen it will never do surrender the very principles which sustain society to propitiate the feelings of men blinded by passion and prejudice. Sir, come what may, I will never give countenance to such a thing. For one, I stand upon my constitutional rights, and will oppose emancipation in all its phases; and if I am overwhelmed in the conflict, I will have the consolation which the smiles of an approving conscience afford that I did my duty in resisting the radical measures which have brought ruin upon my country.

Mr. STEWART. As this may be the last time I shall offer any remarks upon this floor, I beg to say that my opinions are unchanged in one respect, and that is as to the impropriety of this body deciding either on the question of emancipation or any other question affecting the interests of the State of Missouri. Gentlemen argued that the emancipation of the negro was wrong—a wrong to white as well as black—a violation of the rights of citizens, and a violation of the guaranties offered by the Constitution of Missouri. Though I do not believe it is the proper work of this body to do, I pity the man who does not see that slavery in Missouri is doomed. If Missouri sticks to slavery, Missouri must go South. Missouri cannot go South. Well, what then? Why, Missouri has to go with the Union—with this great and glorious Union—and she has to get rid of slavery to enable her to do this. You may call this revolution, gentlemen; I do not deny it; and I do not deny that I have had a hand in bringing it about. I think that school-houses and railroads have something to do with revolutions; I have had a hand in these too. Gentlemen may frighten themselves about radicals and revolutions, but they cannot stop revolutions brought about by the growing thought of the people, and the only revolution that I see is one of brains, not of guns.

Mr. DRAKE. Under a sense of duty to a gentleman not here to defend himself, I have a word to say on a single point contained in the speech of the gentleman from Pike (Mr. Henderson). The extract from the gentleman's speech is as follows:

"I have alluded to this subject for the express purpose of stamping my condemnation upon the lawless usurpation of power by the late administration of military affairs in this department. So far as the mere loss of slavery was concerned I cared nothing, for I regarded it of little or no value. I had attempted to secure full compensation to the owners for its loss, and had been denounced as an Abolitionist for my pains. But, sir, to the extent that such policy undertook to give free papers to slaves, either by the head of the department or its subaltern provost-marshals, on the ground of disloyalty of their owners, generally leaving the owners to run at large after being stripped of their property; and in so far as it attempted by military force to collect the penalty of bonds taken to secure future allegiance of the obligors, it deserved the condemnation of every honest man. It was calculated to corrupt those in power; to bring upon the country an age of tyranny and oppression; to make slaves of freemen, and to render our Government odious. One violation of law leads to another; the people soon become subservient to military rule; the land becomes filled with spies and informers; while the cowardly become the executioners of vengeance, to save themselves. Such was Sicily under Verres, such was India under Hastings."

There can, I suppose, be no doubt that the gentleman from Pike intended to refer to Gen. Curtis?

Mr. HENDERSON. Of course I did.

Mr. DRAKE. It is no part of my purpose, in introducing this portion of the gentleman's speech, to enter upon a vindication of General Curtis's military administration, while he was in command in Missouri, for two reasons; first, because I am not in possession of the information necessary to enable me to do it; and secondly, because I do not consider that in this body, which has nothing to do with General Curtis's military administration—which can-

not arraign nor try him, if we were ever so much disposed to do so—which could pass no judgment upon him that would reach him,—I do not consider that in this body Gen. Curtis's administration should become the subject of discussion. Gen. Curtis was and is accountable only to his military superior. I now desire to inquire whether the gentleman did not, while in Washington as a Senator, or afterwards, make special complaints against Gen. Curtis with a view to his removal.

Mr. HENDERSON. I am not upon the witness stand; but I will state, however, that I did present petitions both for and against his removal.

Mr. DRAKE. It has been stated in papers that the gentleman from Pike made special efforts since the adjournment of Congress for the removal of Gen. Curtis, and that he went to Washington for that express purpose.

Mr. HENDERSON. I asked the President since the adjournment of Congress to remove Gen. Curtis. He removed him, and I thank God for it.

Mr. DRAKE. In justice to a gentleman who is absent, I beg leave to state as a reply to the charges made against him, that, on the 8th of June, the President in a letter to Gen. Curtis, in reference to the change of command in this department, said: "*I did not mean to cast any censure upon you, nor to endorse any of the charges made against you by others. The presumption is still in your favor that you are honest, capable, and patriotic.*" That is all I have to say. I make no defence of Gen. Curtis's administration—I make no attack on the gentleman from Pike.

Mr. HENDERSON. Because we (referring to Mr. Broadhead and himself) had the temerity to ask for the removal of a military officer who was distasteful to the people, we were denounced by papers, *par excellence* loyal, as being Copperheads. Nothing shall prevent me from raising my voice, as long as I have the power, against tyranny and oppression. I made charges against Gen. Curtis last December. Mr. Broadhead came to Washington and assured me that I was mistaken, and I took my name from the petition asking for his removal. Subsequently, facts, that were never denied, came upon me so strong, that I asked the President to remove Gen. Curtis and appoint Gen. Sumner. It was done, and after the death of Gen. Sumner I was appealed to by the friends of Curtis to let him remain. I could state to the gentleman from St. Louis things connected with Curtis's administration that would appal even him. I never have stated them and will not unless driven to do so. I refer to those things that are notorious—that he has taken property from Arkansas and Missouri and shipped it to his private residence in Iowa. I could refer also to the fact that military subordinates gave free papers to slaves, deciding upon loyalty and collecting bonds that had been taken, judging of the criminality of the party, selling their property and pocketing the proceeds. If such tests are to be applied my property will not be safe, because the *Democrat* has denounced me as a Copperhead. If all these things can be done, and men shot in cold blood upon the mere denunciation of the military authorities; if their property can be advertised by the decree of a provost marshal, and money collected, and no restraint placed over it, how long may it be before those who now sustain this course of conduct will fall as Robespierre did and Danton? I don't want to wound any one's feelings; but from the day that man was removed, a bold, daring, fraudulent, mean course of policy has been pursued against me, attempting to raise a spirit which, in these revolutionary times, makes a man's life in danger. Are the people of this country so low and degraded that they dare not appeal to power for the removal of a military commander? I feel excited when I refer to this because of the systematic course of vilification that has pursued me since he was removed. When the secret history of this war shall be written, and the little petty oppressions brought to light in that man Curtis, even my friend from St. Louis will recognize the will of a Hastings. When what I have stated is made to appear untrue, then will be time enough to make good the truth of them.

Mr. DRAKE. I wanted to know whether it was through the agency of the gentleman from Pike, or from representations he caused to be made, that the President removed Gen. Curtis.

Mr. HENDERSON. Gen. Curtis never was replaced in command after his removal in February, and retained the command by permission until his successor should be appointed. He was to have been superseded by Sumner, but death cut him off.

Mr. DRAKE. That was a reinstatement of Gen. Curtis, *ad interim*. My purpose in calling attention to this subject is not to vindicate Gen. Curtis, but to lay it before this Convention and the country. Up to as late a day as the 8th of June, in spite of all representations

made to the President during a period of six months, he wrote the letter from which I have read the extract, the President was the recipient of all the charges made against Gen. Curtis. It was to him that application was made for his removal. If Gen. Curtis could be compared to Verres and Hastings, the ground of that comparison should have been laid before the party in Washington to whom the application was made. All I have to say, is that the verdict of the President upon the charges against Gen. Curtis is summed up in the extract which I have made. If the President could have said more than that of General Curtis, or could say more to-day in regard to any officer in the army, I don't know how he could do it. I have done for Gen. Curtis what my heart will leap to do for my friend from Pike when assailed and unable to reply.

Mr. HENDERSON. Yes; you are very kind. I am thankful to you.

Mr. DRAKE. I will vindicate a friend if I have it in my power.

Mr. HENDERSON. I have answered several questions; will the gentleman be so kind as to answer me one? Does he endorse the giving of free papers to slaves by the military commanders, and the collecting of bonds by the provost marshal?

Mr. DRAKE. I do not know that my opinion on this point is a matter of consideration here at this moment. I told the gentleman from Pike that I did not intend to controvert his allegations, or arraign him for the course he has taken, and he knows I do not undertake to do any such thing; and I am not therefore to be interrogated about the merits of this question.

Mr. HENDERSON. I thought my friend was vindicating General Curtis. I understood that the charges which have been made against him are being investigated by a military court of inquiry. Does he endorse the course of Gen. Curtis? If so, let him vindicate him.

Mr. DRAKE. I endorse nothing in the premises. I simply maintain the position which I took when I brought this matter up, and which I will maintain to the end. I will not be involved in a discussion of Gen. Curtis's acts; yet I give him simply the vindication of the President, who does not endorse the charges which have been made, but declares his conviction of the honesty, capability, fidelity, and patriotism, of Gen. Curtis.

Mr. HENDERSON. When did you get that letter anyhow?

Mr. DRAKE. Never mind that.

Mr. BROADHEAD. I wish to say in defence of the action of the President of the United States in this matter, that he is a warm-hearted, honest man, and, obeying the instincts of his nature, he has given Gen. Curtis the benefit of the presumption which belongs to every criminal who may be arraigned at the bar of public justice; and that is all the letter does—it gives him the benefit of a presumption. The gentleman from Pike stated that I was in Washington City last January, and requested him to withdraw his application for the removal of Gen. Curtis. I did, sir, in the presence of the President himself. I had not at that time heard any of these charges against Gen. Curtis; and I had heard, up to that time, no particular complaint coming from the citizens of Missouri, and I was not aware to its full extent of the conflict and mutual want of confidence between the Missouri State Government and the commander of this military department. I had nothing further to do with the matter until after Curtis was removed, and Gen. Sumner appointed in his place. I afterwards, however, learned many things which induced me to join in the application to remove Gen. Curtis after the death of Gen. Sumner. The first fact that opened my eyes in regard to the character of the military commander of this department was this: I saw from one of the public prints in St. Louis, that Gen. Curtis was charged with having made a request to the President to apply his emancipation proclamation to Missouri. I thought I knew that Gen. Curtis was in favor of the proclamation—at any rate, a large portion of the people were led by him to believe that he was in favor of it—though of the truth or falsehood of the charge made, that he desired to apply it to Missouri, I knew nothing. Just after this charge was published, I saw and read a letter under Gen. Curtis' sign manual, in which he distinctly and unequivocally declares that he was and had been opposed to the President's proclamation. Having acted so as to make the people of Missouri believe up to that time that he was in favor of the proclamation, then, for the purpose of relieving himself from censure cast upon him, on the ground that he had asked for that proclamation to be applied to Missouri, that letter was written, stating that he was opposed to the proclamation; and the result of that letter was the taking back on the part of the editor the declaration he had made a few days before, and (made) an exculpation of Gen. Curtis of the charges that had been

preferred sgainst him. That was the first thing that led me to believe that he was playing a double part in the drama which was being enacted in Missouri. I satisfied myself from facts which I learned afterwards that he was not a proper man to administer the military affairs of this department, and I joined in the application to have him removed. I say this much in justice to myself, as my name has been coupled with this matter.

Mr. SOL. SMITH. I think this discussion has gone far enough.

The PRESIDENT. The debate has digressed considerably, but I could not see the point at which an intervention could have been sooner effected in justice to the parties concerned.

The PRESIDENT laid before the Convention the following telegram:

"ST. LOUIS, June 25.

Hon. R. WILSON, President Convention: I have the honor to inform you that, after a personal examination of Mr. Vincent Marmaduke, I have ordered him to be sent beyond the lines of the United States forces, for disloyalty.

(Signed)

J. M. SCHOFIELD, Maj. Gen."

Mr. BRECKINRIDGE. I beg to move the adoption of the following resolution:

"*Resolved*, That the Committee on Accounts be instructed to allow Mr. Benn Pitman, official reporter for the Convention, mileage and $15 per diem during the session of the Convention, to be paid in the same manner as the pay of the officers and members of the Convention."

It will be remembered that at the first session of the Convention a committee was appointed, who entered into a contract with two gentlemen to make a phonographic report of the proceedings of the Convention. After the first session one of these gentlemen died, when Mr. Walbridge—whose unremitting industry and admirable reports all will remember—succeeded to his place and performed the able duty, the Convention paying him the price it had contracted to pay both. Mr. Walbridge is now unable, from extreme debility, to attend the present session, and his place is supplied by Mr. Pitman from Cincinnati, who is now here, faithfully recording the proceedings of this Convention, constantly assisted, as I understand, by his wife, in transcribing the phonographic notes for the press. Mr. Walbridge was paid $12 per diem and mileage, but inasmuch as it takes three or four days to transcribe the proceedings of one day, the remuneration is not deemed sufficient. Reporters in the cities of the East are paid $25 per day, while legal and government reporting is paid for at the rate of twenty-five cents per folio of one hundred words. The compensation asked for in the resolution is extremely moderate, and when the amount of labor it represents is borne in mind, I think the assent of this body will not be withheld.

Carried.

Mr. RITCHEY, Chairman of the Select Committee, to whom was referred the case of A. S. Harbin, charged with disloyalty, reported in favor of his expulsion.

The report was agreed to, and a resolution expelling him adopted.

Mr. HITCHCOCK. I beg to offer the following resolution:

"*Resolved*, That a Select Committee of five be appointed, whose duty it shall be to take into consideration so much of the Governor's message as relates to the propriety of establishing some tribunal for the trial of persons belonging to the armed bands of guerrillas, or bushwhackers, and to report thereon by ordinance or otherwise."

The Chair appointed Messrs. Hitchcock, Comingo, Douglass, Doniphan, and Ray, on said committee.

Leave of absence was, on the request of Mr. Schofield, granted to Mr. Hall of Buchanan.

On motion of Mr. RITCHIE, the Convention adjourned to 9 o'clock, Friday morning.

ELEVENTH DAY.

JEFFERSON CITY,
Friday, June 26, 1863.

Convention met at 9 o'clock.

President in the chair.

Prayer by the Chaplain.

The proceedings of Thursday having been read from the journal and approved,

Mr. How, on behalf of the committee to whom was referred the resolution in regard to Vincent Marmaduke, of the Sixteenth Senatorial District, said that the committee had deferred his examination till his arrival here, which was daily expected; but the communication received yesterday from the Commanding General, informing us of Marmaduke's having been sent South, in consequence of his disloyalty, warranted the committee to ask the passage of the following resolution:

"*Resolved*, That the seat of Vincent Marmaduke, a Delegate from the Sixteenth Senatorial District, be and is hereby declared vacant."

Carried unanimously.

Mr. PHILLIPS. I rise for the purpose of offering a resolution, of which I gave notice yesterday morning:

"*Resolved*, That hereafter no member shall be allowed to speak longer at any one time, on any subject, than thirty minutes, without the unanimous consent of all the members present."

We have now been in session ten days, and the subject of emancipation has been very fully discussed, until, I presume, the mind of every member of the Convention whose judgment can be influenced at all by discussion is fully made up. It occurs to me that thirty minutes is sufficiently long for any gentleman to express any and all the views he may entertain upon any topic introduced here. I do not offer this resolution for the purpose of gagging debate, but only to expedite business. I think the largest and fullest latitude has been given to the debate.

Mr. DRAKE. I have no desire, Mr. President, to discuss this resolution; but having taxed the time and attention of the Convention on the second day of the session with a full expression of the views I entertain on the subject of emancipation, and also, in the progress of the debate, necessarily taxed their time and patience to a still greater extent, and considering that it is but once, probably, in the whole life of a State that its people have an opportunity, through their delegates, to deliberate upon so important a matter as is now before us, I, for one, cannot consent to shut down upon any gentleman who wishes to express his views on this great question to the fullest possible extent.

Mr. ORR. I cannot consent to vote for any such proposition. I think the question before the House is of too much importance to permit any such rule to be adopted. I hope this Convention will not restrict debate so long as members keep within the rules of order.

Mr. COMINGO. I move to amend, by striking out "thirty minutes," and inserting "one hour."

The amendment being put to the vote, it was lost.

The question being on the adoption of the resolution,

Mr. BIRCH. I certainly am as anxious as anybody to go home, but I cannot consent to the adoption of the resolution.

Mr. STEWART. I call for the ayes and noes.

The result of the vote was—Ayes, 23; noes, 56.

Mr. JOHNSON. I beg to submit the following:

"WHEREAS on the 25th day of May, 1863, an election was held in the Twentieth Senatorial District for a Delegate to this Convention; and whereas, from the election returns, it appears that one Mr. Baker received twelve votes over and above the vote cast for one Mr. Devin; and whereas, from the poll books and evidence that can be had from a member of this body, that some twenty votes or more cast for said Baker are illegal, by reason of the said voters not being citizens of said district; therefore,

"*Resolved*, That a committee of three be appointed, whose duty it shall be to inquire into all the facts, and to report to this body at 9 o'clock to-morrow morning as to who is entitled to a seat in this body by reason of said election."

Mr. BAKER. As I was admitted on a proper certificate, I think the Convention should take no notice of the resolution.

Mr. BRECKINRIDGE. The act of the Legislature which called this Convention provides that, in case of contested election, it shall be governed by the same rules that govern the General Assembly. This being the case, the request of the gentleman from Putnam county is not in regular order.

Mr. DRAKE. I move to lay the resolution on the table. Carried.

Mr. MARVIN. I desire to call up the ordinance introduced a few days ago by the gentleman from St. Louis (Mr. Gantt), providing for the time of the election of Judges of the Supreme and Circuit Courts.

No objection being made, the ordinance was taken up.

Mr. MARVIN. I ask leave to offer the following substitute for the ordinance:

AN ORDINANCE TO CHANGE THE TIME FOR HOLDING ELECTIONS FOR SUPREME AND CIRCUIT COURT JUDGES.

Be it ordained by the people of Missouri, in Convention assembled, as follows:

Section 1. That so much of the sixth and seventh articles of the amendments to the Constitution of this State, ratified at the session of the Legislature of 1850 and 1851, as provides that the elections of Supreme and Circuit Court Judges shall be held on the first Monday in August, 1851, and on the first Monday in August every six years thereafter, is hereby abolished.

Sec. 2. The first general election for Supreme and Circuit Court Judges hereafter to be held under said amendments to the Constitution shall be on the Tuesday next after the first Monday in November, 1863, and on the first Tuesday next after the first Monday in November every six years thereafter, any law, constitution or ordinance of this Convention to the contrary notwithstanding.

The question being on agreeing to the substitute, it was carried by 47 affirmative votes. Noes not called.

The order of the day, to-wit, the report of the Committee on Emancipation, was then taken up.

Mr. HITCHCOCK said: I understand the question now pending is upon the amendment offered by the delegate from Greene (Mr. Orr) to the ordinance offered by my colleague (Mr. Breckinridge), as a substitute for the Majority Report of the Committee. This amendment proposes to strike out the first section of the ordinance,—the section abrogating those provisions of the State Constitution which protect slavery in Missouri,—and the mover of the amendment bases it expressly upon his denial of the authority of this Convention to amend the State Constitution. I shall of course oppose any such amendment.

Even the ordinance offered by my colleague I cannot support since the adoption of the amendment of the delegate from Cedar (Mr. Gravelly). For, although the ordinance as introduced coincided, in the main, with the results of my own reflections, as expressed in the resolutions which I submitted a few days ago, yet I consider this amendment—requiring compensation to be made to slaveholders, by a tax to be laid, at the next session of the present Legislature—wholly impracticable. I will gladly support any feasible plan for compensating loyal slave-owners. I confess I have not been able to devise one which the State could carry out; and I shall not sustain one which strikes me as impracticable and inefficient. The condition of the State now is such that, in some portions of it, the Legislature has remitted even the ordinary taxes. It is idle to talk of imposing such new ones as this.

I shall now ask the indulgence of the Convention in presenting some remarks upon the general question in debate. Until yesterday, I had not intended to take part in this discussion. Two of my colleagues (Messrs. Breckinridge and Drake), at the opening of the session, presented able arguments in behalf of a plan of emancipation at a very early day, with a system of apprenticeship. There are certain additional features, indicated in the resolutions which I presented, which I think ought to be included in any scheme of emancipation. Still, I was not desirous of protracting the discussion.

But, since this debate began, its real importance has grown upon my mind. I am convinced that, upon this most important question, there ought to be a frank and earnest interchange of sentiment; for, in all the history of this State, there has been no such epoch as this. The question before us to-day, whether considered as to its social or its political bearings, is momentous, and the difficulties which surround it are vast. For our own sake, we may well take counsel together. And it is due to the people of Missouri that whatever light the delibera-

tions of this Convention, representing them in their sovereign capacity, can throw upon the yet dark and troubled sea of the future, shall illumine its heaving and angry waves; that the reasons for whatever action is proposed here, and for whatever action may finally be taken, shall be laid before them, so that they may know how great were the difficulties in the way of any one conclusion; and so that whatever is done shall be seen and felt by them to be the result of earnest and sincere effort, and of anxious thought—perhaps of mutual concessions, whose grounds and whose necessity they ought thus to be fairly made acquainted with.

Still another consideration, sir, in respect to these deliberations, has strongly impressed my own mind. Not only the people of Missouri are interested in the solution of this the great question of the day. A like problem lies before our brethren in Kentucky, in Delaware, in Maryland; and who can say how brief a time shall bring it face to face with the loyal men of every Southern State, consulting for their own highest welfare? To our own people it has come first of all. Here in Missouri, from whose borders more than forty years ago, amid the birth-throes of a great Commonwealth, went forth that fierce and boding cry which, in the words of Mr. Jefferson, rang through the land "like a fire-bell in the night,"—here first, in the mysterious orderings of Providence, the attempt is made by her own people to solve that problem for themselves. We may well believe, sir, that the example of Missouri will not be lost upon those who are yet to follow in her path. God grant that every member of this Convention may profoundly feel and justly weigh all the responsibilities that rest upon him; that each one, laying aside every prejudice, forgetting every desire, save only to find the truth, however it may conflict with his opinions or associations in the past, may clearly know and do that which is wise, and true, and just; and that in its counsels, as in its action, this whole body may rise to the majesty of the great occasion.

The general question presents itself, of course, in a two-fold aspect: first, whether this Convention should act at all upon the subject of emancipation in Missouri; and, secondly, if it appear that some action should be taken, what that action should be. And, of course, upon the very threshold lies—or would lie, if it were at this day a debatable proposition—the inquiry as to the power—that is, the rightful authority—of this Convention to act at all in the premises.

There is not, in my mind, sir, the shadow of a doubt that this Convention has at this time full rightful authority to act upon the subject, and to act finally, and to take any action which for the best interests of the State "shall appear to them to be demanded," not being in conflict with the Constitution of the United States. I was amazed at the position taken yesterday by the delegate from Greene (Mr. Orr) on this question. Why, sir, that whole subject—as he well knows, for he took part in it—was thoroughly examined and completely disposed of at the proper time—at the time when we were first called upon to exercise any of the extraordinary powers confided to us by the people. And not till it had been firmly established upon the clearest principles was any such power exerted. I need only appeal to the record of that debate, and to the terse but overwhelming arguments by which my distinguished colleague (Mr. Gamble) destroyed the specious sophistry of his chief opponent, my *then* colleague, Major Wright. Acknowledging, or rather insisting, as he then did and as we now do, that the powers of this Convention were in no sense derived from, or granted by, the Legislature which provided for its election, yet the unprecedented aggregate vote cast at that election, and the unparalleled majority given for its members were justly claimed—especially in the then condition of public affairs—as a clear expression of the will of the whole people that the Convention should meet, and consult, and act for their best interests in any manner consistent with the terms of the act, which, under the popular vote so given, became the charter of its powers. And then, looking into the provisions of that charter, drawn up, if you please, by the Legislature, but ratified and made effectual only by the popular voice, it appeared that the Convention were required, (I quote from section five of the act)—

"To consider the existing relations between the Government of the United States, the people and Government of the different States, and the Government and people of the State of Missouri; and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, *as shall appear to them to be demanded.*"

And it further appeared, by the tenth section of the act, that in one event, *and but one,* was the ratification of a popular vote required to sanction any act or ordinance of this body; and

that, I need not say, was the contingency of its adopting an ordinance of secession.

Upon these grounds, it was demonstrated at that time, as the published debates clearly show, that this Convention was a body clothed by the people of Missouri with what my distinguished colleague correctly described as *extra*-constitutional powers, entrusted to, and which were to be exercised by it, for the safety and welfare of the State according to its own best discretion. It was indeed a most weighty and extraordinary trust, and to be administered as such; but of its true nature there was no room left for doubt.

But the rightful authority of this Convention to amend or abrogate the provisions of the State Constitution was not only thus established *de jure;* from that day to this it has been accepted and acted on *de facto* by the people themselves. The loyal people of Missouri everywhere sustained its action in deposing their traitorous public servants, and annulling their treasonable acts. And ever since that session the whole fabric of social and political order in the State has rested upon the foundations then laid by this body according to its own best judgment of its duty. Under its firm, though cautious guidance, and with the new safeguards which it provided from time to time, the whole machinery of State and local government has been set in motion anew. The measures which it adopted for the removal of disloyal office-holders, for the exclusion of rebels from the polls, for the holding of elections at a more convenient season, for carrying on the ordinary legislation of the State — all these have been heartily acquiesced in by the loyal people. No man in this State to-day holds an office, or administers a public trust, or assists in the administration of justice as juror or attorney, or exercises as an officer any corporate right, who has not recognized, by solemn, voluntary oath, the rightful authority of this Convention, and of those whom it has placed in office. The present Legislature of the State, elected under the new conditions which this body prescribed, and coming fresh from the people, again, in March last, expressly recognized its existence and authority, by the final action of one branch, and the plainly expressed concurrence of a large majority of the other, upon a bill providing for its re-assembling, at this time, for the very purpose now before us. The Government of the United States, both through its Executive and the National Legislature, have officially recognized the validity of its acts, and the rightful tenure of those appointed or elected under its authority. In short, nothing of argument or of action is wanting to demonstrate, upon every principle known to American jurists, the existence of that rightful authority which I have claimed for it: and even those who—for purposes easily understood—would gladly prevent its disposing of the great question now before us, confess its power to act by their very demand that it shall content itself by simply *removing the restrictions imposed upon the Legislature by the Constitution of the State* — a demand which concedes the whole question of its powers. I need not discuss this question further. If the gentleman from Greene could succeed in his new enterprise of attacking the rightful power of this Convention by its ordinances to amend the State Constitution, he would at the same time be overturning the very foundations of private and public right and social order as they now exist in this State.

Indeed, so far as merely answering the gentleman from Greene (Mr. Orr) is concerned, I might refer him to the past votes and speeches given by himself in this body on this same question. I might well leave "the gentleman from Greene" to ask Judge Orr to explain to his own satisfaction how his name came to be recorded among those voting *aye*, on pages 20 and 21 of the official journal of this Convention, at its July session, in 1861 ——

Mr. ORR. What was the proposition?

Mr. HITCHCOCK. The gentleman will find, by referring to the journal, that he then voted in favor of adopting the several divisions of the ordinance by which Governor Jackson, the then Lieutenant Governor, and the Secretary of State, and both Houses of the General Assembly, were turned out of office, and provision made for filling their places; and that by its very title it purported to be "An Ordinance providing for certain *Amendments to the Constitution.*" And on the following day, July 30, 1861, on page 22 of the journal, the gentleman's vote is recorded in favor of the final passage of "An Ordinance concerning the *Repeal and Abrogation of certain Laws,* and for other purposes." Nor are we left in doubt as to the grounds upon which he so voted. On those two days, July 29th and 30th, 1861, there was a most earnest debate as to the rightful authority of this Convention to exercise any such power. In that debate Governor Gamble took the leading part in support of its right to do so, and Major Wright opposed it with all his

well known ingenuity and eloquence. Judge Orr also took part in that debate, and I have not forgotten, if he has, the sharp passages between him and Major Wright; nor that the gentleman from Greene used such language as this, referring to the power of the Convention:

"As for the *power* of the Convention to take the steps proposed in the report of the committee, it has been so very well argued by the gentlemen who have preceded me, that I need not say a word about it." * * * And again: "We have the right to turn every man in Missouri out, if we think it necessary for certain purposes." * * * * And again: "There is no authority to order an election for Governor and Lieutenant Governor, excepting this Convention." (See pp. 84, 85, Debates, July, 1861.)

I need not multiply quotations. I leave it to the gentleman from Greene himself to reconcile the views he now urges with the opposite convictions he then expressed. It is painful to me to find him now adopting those which Major Wright then advocated, in the interest of secession, and which *he* then opposed. I do not say that he does so from any disloyal motive; I do not believe that of him. I do deeply regret that his hostility to emancipation should drive him into such a position. I recommend him, and all other men who are willing to be or to declare themselves loyal, to consider seriously what must be the inherent weakness of a cause which forces its defenders to draw their weapons from the same arsenals which have heretofore furnished forth none but for rebels and their supporters.

And now, sir, the main question is before us. *In what form, under what conditions, shall this Convention ordain* EMANCIPATION FOR MISSOURI?

I assume, at once, that in some form or other it will be done. I have a right to assume it, notwithstanding the adverse action taken here a year ago. It is needless now to allude to that. Since that day many and momentous events have given a force and a direction to public opinion, equally among loyal and disloyal men, which few then dreamed of. Ideas then barely entertained have become convictions. Warnings then uttered are already fulfilled. On this floor, in this debate, avowals are made even by the opponents of emancipation, and arguments are put forth by those not formerly its friends, which justify the assumption.

I was much interested, Mr. President, by the elaborate speech made here a day or two since by the delegate from Livingston: not less by its earnestness, its frequently felicitous language and illustration, than by the avowed opposition of the speaker to emancipation, except as a "necessity"—*which he declared it to be.* I differ with many of his views; but I propose not so much to attack as to *develop* them. I ask that gentleman, and all who think with him, candidly to join me in carrying out, to their legitimate conclusion, the very premises of fact and principle which he laid down. I want no more. He seems to have thoughtfully examined the true position of affairs in this and other States. If he will but fearlessly continue the inquiry—if he will look deeper yet, and search out the reasons which underlie that "necessity" he so frankly admitted—if he will manfully carry out the conclusions which must follow from those very striking admissions and statements of his own—I do not know that we need desire more.

The gentleman from Livingston does not claim to be in any sense an emancipationist; on the contrary, he declared that he would prevent this "agitation" if he could, and that he entered unwillingly into this discussion. But he admits that this is no longer a matter of choice. "Some action on this question," he declares, "is *a necessity;* all see this, and almost all admit it now." He urges every patriotic man, whether in favor of emancipation or not, to recognize this necessity, and act upon it, lest the refusal of this Convention to meet it shall drive moderate and law-abiding men to take sides with those from whose violence they desire to stand aloof. And he supported this appeal by stating the reasons which have forced him into a position so contrary to his own wishes and to the stand he has hitherto taken, What are those reasons?

First, he says, the anti-slavery men in the free States, who are the great mass of the loyal men, earnestly desire emancipation in Missouri. And my friend candidly added, that the large majority of these men desired it should be effected by the citizens of Missouri themselves, in an orderly, peaceful and lawful manner, and not by violence. It is important, he says, that the loyal men of Missouri should propitiate this law-abiding, anti-slavery element throughout the loyal States,—represented, as he correctly affirms, by the President of the United States, who, "true to his reputation for honesty and patriotism," has refused to be identified with the radical or revolutionary party in Missouri. We cannot, he insists, longer refuse

to recognize this state of feeling among such a body of men; and hence, in part, this "necessity to act." In this I fully agree with him.

The gentleman from Livingston then examined the condition of affairs in Missouri, and sums it up about thus: There are three classes of her citizens,—one the Secessionists, comparatively few in number, he thinks, and decreasing, who still cling to the delusion that Missouri is part of the "C. S. A.," and who persist in this, *in part, because it is still a slave State*, but some also from obstinate pride. Another class is the radical anti-slavery men—the opposite extreme. Both these extremes, he says, are violent and revolutionary—both denounce the Provisional Government and the Convention—both stir up strife; and neither would be content with an equitable and peaceful adjustment of our troubles. Many in both classes would rather see the slavery question settled only by the bayonet. Some of these men, he thinks, are honest, but fanatic; many more are base in motive, only desiring to keep up and profit by the strife. In the third class he places the just and fair-minded men of all parties, Republicans, Democrats, Emancipationists and those who have not desired emancipation; men who are honestly loyal, who desire the peace and prosperity of the State, and who know that this can only be secured in the Union. From such men in this body must come the action which shall save the State from the dangers now threatening it; For he declared that, in its last expression, this fierce anti-slavery cry is a cry of agrarianism and anarchy. Something, he earnestly repeated, must be done by this Convention, lest the law-abiding Emancipationists be driven into the radical ranks, and violence beget violence, and a new and more disastrous strife afflict the State. But he defended himself against any imputation of merely yielding to clamor or threats, averring that the dangers were real, and must be wisely and promptly met. Sir, I hold it to be no unmanly fear which warns of such dangers as these, and which refuses to join the idle attempt to prevent all action by this body on this momentous question.

But the speaker, while he so forcibly stated these dangers and this "necessity," did not pursue the inquiry as to their true causes. That is what I now ask him to do.

Why is it, sir, that the great body of loyal and law-abiding men throughout the free States do so earnestly desire us to take this action? Why is that desire so pressing that it becomes a "necessity" to *us?* How has a party so dangerous and revolutionary as these radicals are, acquired such strength that men—moderate and law-abiding men—should be in danger of being swept into the same current? As to any and all violence or lawlessness, come from whom it may, no man can more sternly oppose or condemn it than I do. But if it be true that the danger from such violence is already a fact which we must take note of, sir, it behooves us to know what is the real cause of such a danger. Mere violence never was a source of lasting strength or permanent success to any party in this land. The whole history of our people shows that unless some grievance, some wrong, some evil or danger—either real or believed to be real—lay at its root, no merely violent movement ever succeeded; and mere lawlessness is sure to recoil on its authors. It is an extraordinary and appalling statement which the gentleman makes—considering what his own views of emancipation are—that unless this Convention can agree upon some plan of action to that end, even those whom he describes as honest and law-abiding men will be driven to join the lawless extremists, to whom emancipation is a mere excuse for strife. Will the gentleman tell us that such men as he describes have been frightened into such a position? Certainly not—he indignantly disclaims it for himself. He made an effort to account for it by charging it on the "politicians." But how have the people come to support "the politicians" in a course so opposite to that which for forty years has been the successful one in this State? Why is it that unscrupulous politicians find it *their interest* to take such ground? These questions force themselves upon every thoughhtul man who considers the present aspect of affairs in Missouri. We must face them; we must probe them to the bottom, and know *why* this danger, this "necessity" exists. That is the part of bold and wise statesmanship. Anything short of that is mere cowardice and folly. The wise physician does not content himself with telling over the symptoms of his patient, and declaring the "necessity" of a remedy. He examines narrowly those symptoms—he penetrates their cause and the real disorders which they indicate, and thus he learns what that remedy shall be.

Let us then see *why* it is true that there is so pressing a "necessity" for this Convention to take action upon the emancipation question, that even those who would prevent all "agita-

tion" if they could are forced to take part in it. I shall suggest two or three reasons, which, in my judgment, have brought about this "necessity." If these are the true ones, to know them will go far to show what sort of action on our part will meet its demands.

And first, sir, I find one reason for this present "necessity for action" in the fact and in the now universal conviction, that *slavery is inseparably connected with this rebellion.* There has been much said in this debate as to whether slavery is or is not "the cause of the war." I shall not discuss the question in that shape. I shall not follow the gentleman from Clinton (Mr. Birch) in his elaborate repetition of that dreary and well-worn catalogue of "Southern wrongs and Northern aggressions," which we have all heard so many times; nor retort the far more truthful charge of bold and unceasing aggressions on the part of slavery itself. It is enough for me to know, when these "wrongs of the South" are paraded in defence, either of the rebellion or of slavery, that the war was not brought about by any wrong or injury whatever inflicted by the Government of the United States upon a single Southern State. I need no better authority or proof for this than the solemn and earnest words of Alexander H. Stephens, now Vice President of the so-called "Confederate States." In what I believe to be the last free speech he ever made, in the Georgia State Convention, in January, 1861, in the course of a most powerful and passionate effort *against secession*, he said:

"Pause, I entreat you, and consider for a moment what reasons you can give that will even satisfy yourselves in calmer moments—what reasons you can give to your fellow-sufferers in the calamity that it will bring upon us? What reasons can you give to the nations of the earth to justify it? They will be the calm and deliberate judges in the case. And to what cause, or *one* overt act, can you name or point on which to rest the plea of justification? What right has the North assailed? What interest of the South has been invaded? What justice has been denied? and what claim founded in justice and been withheld? Can either of you to-day name one governmental act of wrong, deliberately and purposely done by the Government of Washington, of which the South has a right to complain? *I challenge the answer!*"

I will not detain you by reading the detailed and authentic facts which Mr. Stephens then proceeds to give, demonstrating that, so far from receiving wrong at the hands of the Government, the South had uniformly controlled its action, and secured *more* than her numerical proportion of its honors, its offices, and even its revenue. I quote only these impressive words:

"Leaving out of view, for the present, the countless millions of dollars you must expend in a war with the North; with tens of thousands of your sons and brothers slain in battle, and offered up as sacrifices *upon the altar of your ambition;* and for what, we ask again? Is it for the overthrow of the American Government, established by our common ancestry, cemented and built up by their sweat and blood, and founded on the broad principles of RIGHT, JUSTICE and HUMANITY? And as such, I must declare here, as I have often done before, and which has been repeated by the greatest and wisest statesmen and patriots in this and other lands, that it is *the best and freest Government—the most equal in its rights—the most just in its decisions—the most lenient in its measures—and the most inspiring in its principles to elevate the race of men, that the sun of heaven ever shone upon.*

"Now, for you to attempt to overthrow such a Government as this, under which we have lived for more than three-quarters of a century, in which we have gained our wealth, our standing as a nation, our domestic safety, while the elements of peril are around us, with peace and tranquillity, accompanied with unbounded prosperity and *rights unassailed*, is the height of madness, folly and wickedness, to which I can neither lend my sanction nor my vote."

So far as the "wrongs of the South" are concerned, sir, I think I may leave the gentleman from Clinton to discuss them with the gentleman from Georgia. But I beg leave to cite a few more words from the celebrated "Corner-Stone Speech" of the same orator, delivered at Savannah, Ga., on the 21st March, 1861, in vindication of the new Constitution of the so-called "Confederate States," to which he had at last given in his adhesion, and under which he was, and is, acting as Vice President:

"The new Constitution," he says, "has put at rest forever all the agitating questions relating to our peculiar institution—African slavery as it exists among us—the proper *status* of the negro in our form of civilization. *This was the immediate cause of the late rupture and present revolution.*"

This would seem good "Southern" authority for declaring that "slavery is the cause of the war." Certain it is that but for slavery; but for the demands made in its interest; the con-

troversies it gave rise to; the avowed determination on the part of its advocates to perpetuate and extend it forever, and the equally determined, and, as I believe, the rightful and constitutional opposition to its extension by those who hold it to be only an evil and a curse; but for these and kindred causes, this war could not have begun. That slavery was "the pretext for secession," the gentleman from Livingston declared; that the fierce passions and prejudices which demagogues can, upon this topic, so easily excite, have hurried many into the vortex who even deplore and admit the evils of slavery, we all know; and that these passions and prejudices, far from being confined to the slaveholder, have often seemed most fierce and most easily aroused among those who never owned a slave. Nay, sir, the gentleman from Livingston not only declared that slavery was the pretext for secession—*which, as you have seen*, Alexander H. Stephens "officially" confirms—but in classifying the dangerous elements now in Missouri, he mentioned, first of all, those who are still secessionists *because Missouri is a slave State.* And the connection which they see between secession and slavery was declared by the late rebel Governor Jackson, in his message to the last Legislature of Missouri, in May, 1861, in the words already familiar to you—

"Our interest and sympathies are identical with those of the slaveholding States, and necessarily unite our destiny with theirs."

Untrue as this statement is in the sense in which it was made, it supports what I have asserted, namely, *the inseparable connection of the rebellion with slavery in Missouri.* It was but yesterday that a member of this body, whose sincerity and candor I respect, said to me, "I have listened to all that has been said, and I cannot see that slavery is the cause of the rebellion; if I believed it were, I would vote to destroy it." And so, too, the gentleman from Livingston declared that if he believed slavery had anything to do with sustaining the rebellion in Missouri he would join those who desire to destroy it. Yet, sir, when he looks at our condition, he declares that we *must* take action in regard to slavery! And why? Because, he says, these extreme and opposite elements in our midst are full of danger; because secessionists still cling to the rebellion so long as Missouri remains a slave State, while even the law-abiding emancipationists are rapidly tending to violence against it. And now, I ask him, why such dangers do exist, if it be not for the very reason that slavery still remains among us as an "institution" of the State; still made the pretext for rebellion; still supplying fuel to the flames which, for two years and more, have so fiercely raged? I care not what he thinks was "the cause of the war." Every man who has gone into this rebellion did so because of slavery in some way or other; not always because he believed in or approved the institution itself, but because he chose—whether under the delusions of prejudice or passion, or the promptings of a fatal ambition, or a false and narrow State pride—to take sides with those who set about destroying this Government, in their mad purpose to extend and perpetuate slavery.

I am annoyed, sir, that the gentleman from Livingston, with his clear perception of the dangers which surround us, did not thus inquire deeper into their cause. Let him ask himself why it is that the limits of slave territory have also been the boundaries of the rebellion. Why is it that the furious appeals to passion and prejudice; the broadcast misrepresentations of the Republican party and its doctrines, which lashed so many deluded men in the South to such "a height of madness, folly and wickedness,"—why did these things have no such effect among the same class of men in any free State? Nay, sir, why is it that to-day we hear the opponents of emancipation, who deny all sympathy with the rebellion, yet repeating the same language, and using the same inflammatory appeals to the white man—especially the laboring man—against "the nigger," which, three years ago, were what traitors used to make rebels with? Is it not extraordinary, if slavery has nothing in common with secession, that the same ammunition is served out for the weapons of both?

Finally, put the question to a practical test. Does any man doubt that if Missouri were a free State to-day the rebels would reject her as unfit for that edifice of which slavery is, as Mr. Stephens declares, the "CORNER-STONE"? And is it of no consequence to us, who oppose, or to those in our midst who support that unholy enterprise, whether we shall deprive them even of the desire—yes, of all "pretext"—for desiring our noble State to cast in her lot with them? Sir, it is nothing but a pretext, for they know as we do the inevitable destiny of Missouri. I heard Sterling Price declare, in April, 1861, that secession would be nothing but "annihilation to every material interest of Missouri." I cannot explain his subsequent course. But I can well understand how it suits them,

as *long as possible, to have* Missouri remain a promontory of slave territory running out into the free ocean which surrounds her on three sides, against which and over which the waves must first dash which would otherwise engulph themselves. "So long as they can thus keep in our midst this pretext for secession," so long it serves their purpose.

And now, sir, if we desire to detach this State from the rebellion once for all, we must cast off that "pretext." If we desire to end this dangerous internal strife, we must end that which is the prolific and inevitable source of strife. We need not, we ought not, to end it by violence, nor with a reckless disregard of the past legislation, the settled habits, or the present social and industrial condition of our own people. But we can never effectually cure the political and social disorders which affect us until this festering ulcer, which inflames the body politic, shall be "placed in the course of ultimate extinction." That is the lesson I draw from the confessions of its own apologists. That is my conclusion as to one of the causes of this admitted "necessity to act." And however gentlemen may deprecate it, of one thing they may be sure. I say it in all kindness, and without a thought of menace. But so long as loyal men believe, as we do believe, that the continuance of slavery as an "institution" of Missouri sustains even the wildest hopes of rebels here or elsewhere, so long this "agitation" will continue, and these internal dangers will increase. It is for us, and for all who acknowledge these dangers, whatever they may think of slavery, to take such wise action as will dash to pieces every rebel hope, and end *that* dream forever.

Permit me, sir, to mention what I hold to be a second cause of this "necessity for action." As I have said before, I am seeking to show why the "law-abiding emancipationists" of Missouri, and so many who were never emancipationists *before, now demand it at our* hands. I claim, then, that this results also from the fact, and from the wide-spread conviction, *that the institution of slavery is an evil and a burden upon the material interests of the State itself.* Never before was this truth so widely felt, nor ever before so freely admitted in Missouri—*for never before was the question open as it now is for candid discussion.* Was it not significant that since this debate begun, the gentleman from Jackson (Mr. Comingo) set forth in a carefully prepared speech the facts and figures tending to show the losses and injuries which slavery has entailed upon Missouri, as compared with the superior progress of neighboring free States? Since when has a representative of that strongly pro-slavery district taken such a line of argument in any deliberative body in Missouri? How long is it since it was not possible for any man, in certain portions of this State, publicly even to discuss emancipation as a mere question of State economy? How long since the Legislature of Missouri by an almost unanimous vote declared any movement in that direction to be inexpedient, impracticable and unjust? For long years in Missouri, as everywhere throughout the South, the immediate profits of slave labor, and the political and other influences which sustained it, built up a compact and powerful party who effectually trampled down, in the State at large, all free discussion of slavery, even as a question of State policy. That day is past. With free discussion has come light and knowledge, and these bring conviction.

An inquiry into the comparative material progress of the free and the slave States can lead to but one conclusion:—that as a system of labor it is at the same time costly and wasteful,—that Missouri has prospered not because but in spite of it,—and that the superior progress of the free States in material development and resources cannot be explained except by the difference in their systems of labor. Some gentlemen have already presented striking facts and statistics in support of this statement. You have only to examine the Preliminary Report of the 8th Census (1860) to find them in abundance. My friend from Greene (Mr. Orr) objected strongly yesterday to a comparison made by a previous speaker between Illinois and Missouri, in which it was disagreeably evident that our neighboring sister State has latterly outstripped us in the race of improvement. He claimed that Illinois had the advantage in being a prairie State, and also in lying *further east*, and therefore nearer the eastern markets and workshops. Really, I do not think much of the latter argument. But suppose we look at Iowa, lying quite as far west and a little further north than Missouri, with a climate less favorable than ours, with an area smaller than that of Missouri by 12,335 square miles, (nearly 8,000,000 acres,) and whose water communication with either eastern or southern markets is altogether inferior to that of Missouri; not only because of the greater average

distance, but because of the greater impediments to her commerce by the upper and lower rapids of the Mississippi during the boating season and the longer interruptions from ice. Iowa was not even admitted as a State till December, 1846,—25 years after Missouri. The Census Tables show that in 1850 the total population of Iowa was 192,214, which in 1860 had increased to 674,913, a gain of 482,699, the *ratio of increase* being 251 *per cent.* The total population of Missouri in 1850 was 682,044, which in 1860 had increased to 1,182,012; a gain of 499,968, or only 17,000 more than Iowa, the *ratio of increase* being only 73½ *per cent.* Again, the quantity of land in cultivation in Iowa in 1850 was 824,682 acres, while that in Missouri was then 2,938,-425 acres. During the next ten years the new land brought into cultivation in Iowa amounted to 2,955,571 acres, while the new land cultivated in Missouri in the same period was 3,308,446 acres, or only *one-tenth* more; the *ratio of increase* being for Missouri about 113 *per cent.*; while for Iowa it is 358 *per cent.* During the same period, neither State having a mile of railroad in 1850, Iowa built 680 miles of railroad, while Missouri built 817 miles—or less than *one-fourth more*; and this, although Missouri being a much older State, had a population 3½ times larger in 1850, and still twice as large in 1860 as Iowa, while the total wealth of Missouri in 1850 was *six* times greater than that of Iowa, and in 1860 still twice as great. Thus in every one of these important items of progress the ratio of increase is far greater in the younger, poorer, and less accessible *free* State. This is but a partial illustration of the truth.

These Census Tables are very curious, and show some very unexpected results. For instance, it appears that in the production of *wine*, for which Missouri has eminent natural advantages—already turned to profitable account by her industrious German population—yet Illinois, during the ten years preceding 1860, has far excelled her both in the rate of increase and the quantity produced; while the progress of that branch of industry in Ohio leaves her wholly in the shade. In 1850, Missouri produced 10,563 gallons; Ohio, 48,207 galls., or nearly five times as much; and Illinois, 2,997 galls., or one-third as much as Missouri. In 1860, Missouri produced 27,827 galls., an increase of nearly 300 *per cent.*; but the yield of Illinois in 1860 had risen to 47,-093 galls., or 1,700 per cent. increase, and nearly double the actual production of Missouri; while that of Ohio was 562,640 galls., an increase of 1,000 per cent., and about twenty times as much as Missouri. Still more remarkable are the statistics of hemp and tobacco, two of the great and profitable staples of this State, and for which the current idea is that slave labor is peculiarly adapted. In 1850, according to the Census Tables, the product of tobacco in Missouri was 17,113,784 lbs., while that of Ohio was 10,454,449; in 1860 the Missouri tobacco crop was 25,086,196 lbs., while that of Ohio had risen to 25,528,972 lbs.,—being a higher rate of increase in the proportion of 144 to 46, and an actual excess in the Ohio crop of nearly half a million pounds. The question of hemp produced in Missouri, in 1850, is given at 15,968 tons of dew-rotted, and 60 tons water-rotted; that of New York, in 1850, according to the Census Tables, was *one* ton of dew-rotted, and *three* tons of water-rotted. In 1860, Missouri is reported as producing 15,789 tons dew-rotted, 1,507 tons water-rotted, and 1,972 tons "other prepared" hemp—in all, 19,268 tons; while the hemp product of New York in 1860 is given as 32,-191 tons dew-rotted, and 3,630 tons of other kinds—in all, 35,820 tons!

I do not cite these statistics of particular products as sufficient data for a general comparison of the States named, for obviously they would not be such; nor shall I enter here upon that argument in detail. These are simply illustrations of the general truth which the results of every successive census have more clearly demonstrated; and what I am now insisting on is the fact that the general and growing perception of that great truth, namely, *that slave labor is an obstacle to the highest material prosperity of Missouri*, is one of the reasons why emancipation has become a "necessity."

I know that this great truth is constantly denied by the advocates of slavery. I was amused to hear my friend the delegate from Greene (Mr. Orr), and also the delegate from Mississippi county (Mr. Hough), bring forward that never-failing assertion, that emancipation ruined the British West Indies, and therefore, of course, it will ruin Missouri. That cry is raised, I believe, every time and everywhere emancipation is hinted at. Now, I simply deny the truth of any such statement, in spite of the oracular wisdom of the London *Times*, the flippant gossip of such lively travellers as Mr. Anthony Trollope, and even the apparent evidence furnished by the extracts from Mr.

H. C. Carey's book on "*The Slave Trade, Domestic and Foreign,*" which my friend from Greene read with so much gusto. Has my friend ever read the book *through?* Does he know what its real purpose and argument is? I have; and I know, that, so far from arguing against emancipation, Mr. Carey's whole effort is to show how all descriptions of "slavery," white as well as black, may be extinguished, and the laborer elevated and protected. That book is nothing but an elaborate argument, and a very able one, in favor of a *protective system*, on the principles of the Tariff of 1842. He contends that all labor must have a home market, and that variety, as well as amount of production, are indispensable to the prosperity of a people. He attributes the decay of Jamaica to the selfish and mistaken "colonial policy" of Great Britain, which compelled the agriculturist to seek a distant market for his produce, and prohibited the growth of manufacturing industry; and his argument about emancipation in Jamaica is, not that it caused the decay which was visible there, but that it was of no benefit to either the slave or his master, *under that system of legislation.* The whole book is a protest against the degradation of the free laborer, *by vicious legislation*, to the level of the slave. He applies the same principles to our own people, both North and South, and I know no book which shows more clearly the wasteful and ruinous effects of the exclusively agricultural slave labor system of the South.

If my friend wishes to study the latest and most authentic statement of the effects of emancipation in those islands, he will find them carefully and impartially set forth in a volume entitled "*The Ordeal of Free Labor in the British West Indies.*" This book gives, from official sources, the facts in reference to each of those islands with remarkable clearness, force and candor, showing the widely different circumstances of each. I shall not now detain the Convention—especially as this is a digression from my intended argument—by referring to details. The book demonstrates that emancipation in that case was a great success, even as to the mere question of imports and exports, in all the islands, except Jamaica, as the following summary will show. I read from the last chapter, pp. 314, 315. After giving in detail the average annual quantity of sugar exported from British Guiana, Trinidad, Barbadoes, and Antigua, during the four years prior to emancipation, and a similar statement for the four years ending with 1860, he sums up:

"This is a total exhibit of 265,000,000 lbs. annually exported now, instead of 187,300,000 lbs. before emancipation, *or an excess of exports, with free labor, of* 77,700,000 *lbs. of sugar.*"

He then compares the annual import trade of those islands from 1820 to 1834, before emancipation, with their imports in 1859, the result being thus shown:

"The total exhibit represents an annual import trade at the present time of the value of $14,600,000, against $8,840,000 before emancipation, *or an excess of imports, under a free system, of the value of* $5,760,000."

It is true that Jamaica has not prospered equally with the other islands; but for this emancipation is not responsible. The decay of Jamaica had commenced long before the era of emancipation, and the planters were clamoring for relief at the hands of Parliament for years before it came. The true causes were various—in part the British system of legislation, as shown by Mr. Carey; in part the reckless improvidence, the wasteful habits, the absenteeism and neglect of the planters; in part the great commercial changes which took place between 1810 and 1830. For all these things I refer my friend to the admirable book I have named; and I emphatically repeat that emancipation in the British West Indies, upon an impartial statement of the facts, has not been a failure, but a success.

But I have digressed largely into these details. I repeat, that the second great reason why emancipation is a "necessity" for us, is this wide and settled conviction that it will promote the highest material interests of the State; that it will, as it well may, improve her credit, invite immigration, and largely develop her magnificent resources. Why is it, sir, that for months past, *ever since emancipation begun to seem probable,* the price of our State bonds has been rising in the New York stock market? In 1861 they fell to 35. In 1862, after the loyal State Government was firmly established, they rose to 57, and now they are up to 74. What has so increased the confidence of New York capitalists and stock-jobbers in the securities of a State confessedly unable at this time to pay her interest overdue? No barometer is more sensitive than that stock market to everything affecting the value of such securities. The answer is given in the financial column of a leading New York paper last week—"Missouri Sixes are improving, in the prospect that the Missouri Convention, now in session, *will adopt an ordinance of emancipation.*" That is

their opinion of emancipation as it will affect the material prosperity of Missouri. Is it strange that such a measure should be demanded of us by her own citizens? And so long as they share this conviction, so long will my friend from Livingston find himself urged on by that "necessity" to act!

I hope not to weary the Convention if I suggest one other reason why this "necessity" for emancipation exists. I have given two, which affect most directly the citizens of Missouri. Their loyalty and their interest both impel them to desire the removal of this aid to the rebellion, this obstacle to their prosperity. But why should the moderate and law-abiding men throughout the loyal States, "with the President at their head," join in that desire so earnestly, that — as the delegate from Livingston declares — we must conciliate *them* first of all? Sir, the answer is not difficult nor obscure. It is because the conscience and the judgment of mankind declare that slavery is *wrong*.

Hitherto, the institution of slavery in these States claimed toleration at their hands. It was recognized by the National Constitution within the States where it existed — nowhere else,—and even to that extent not by name but by implication. The Fathers of the Republic permitted it to remain only because they found it so interwoven with the social and industrial organization of those States as to deter them from any direct interference. What they thought of it, their writings and speeches abundantly show. I cannot state it better than Alexander H. Stephens did in that same "Corner-Stone Speech," on the 21st March, 1861. He said, speaking of Thos. Jefferson by name—

"The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution, were, *that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally and politically.* It was an evil they knew not well how to deal with; but the general opinion of the men of that day was that, somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guarantee to the institution *while it should last.*"

And thus tolerated, thus sheltered, thus protected "*while it should last,*" it has steadily pursued, for nearly eighty years, its unwavering policy of aggression; and, as Mr. Stephens declared and proved, has controlled the Government itself until the recent election of a Republican President. Then, those whose wealth, whose power, whose hopes of greatness all rested upon the continued predominance of the Slave Power, threw off all concealment. Scornfully refusing to receive that which alone they were entitled to claim from the Government—protection within its proper limits — they demanded its whole power to perpetuate and extend slavery; and failing in this, they undertook to overthrow by violence the Government itself. But that act has arrayed slavery before the bar of Public Conscience, no longer as an evil to be tolerated "while it should last," but as a bold and dangerous criminal to be judged.

It is not my duty nor my purpose now to prosecute that indictment. I have undertaken simply to assign the existing reasons for that state of public sentiment which the delegate from Livingston confessed, but failed to explain. I have shown, in part, what are its causes in Missouri. I assert that still deeper and more powerful than these is the overwhelming fact, that, except among those who profit by it, *slavery is an offence to the conscience of the civilized world.* What has been the progress of this anti-slavery feeling? The abolition of the slave trade, long since outlawed by Christendom, the emancipation of their colonies by the great Powers of Western Europe, and this very year the execution of that decree by which twenty millions of serfs were enfranchised throughout the vast Empire of the far East—what are all these but expressions of that deep-rooted conviction which, however long and bitterly you may strive against it, will conquer in the end? No matter how ably or how plausibly its cause is argued, the judgment is ever the same, that "slavery is a violation of the laws of nature; that it is socially, morally and politically wrong." When its defenders urge that the cruelty and injustice which attend it; the separation of families; the refusal of knowledge; the subjection of one man to another's will, are all found in other relations of life and conditions of society, and dare appeal to the Word of God itself in behalf of a system which daily ignores its blessed precepts, the fallacy is not far to find; for it is easily seen that what are only incidents in those relations, marring their true purposes, are of this system the legitimate fruits. The inherent and ineradicable vice of slavery lies in this, that it necessarily implies *the exercise of arbitrary and practically irresponsible power* by one class of

men over another class whose only crime is their color. I say *of necessity*. It is the very essence of slavery, and every slaveholder knows it and maintains it. The moment this right of the master is given up, that moment slavery ceases. The master may grant favors, he may lighten tasks, he may be kind and merciful, but all this depends upon *his will*. What if his will be that of a tyrant? Do you wonder that free men hate and denounce a system whose best apology is that, in a Christian land, the majority of those who might be tyrants are not? Because the Autocrat may be just and merciful in his decrees, is a despotism a Government to be desired? It may be tolerated "while it lasts," —and it is better than Anarchy, —but shall free men praise it as "divine," perpetuate it, extend it, sacrifice to it the very name and hope of human liberty? But with slavery as a system there can be no compromise between the absolute dominion of the master and the wishes of the slave. Every code of a slave State recognizes this, and hence the perfectly consistent denial of all rights save such as the brutes share with him, and the jealous exclusion of all light and knowledge, which, by elevating the aspirations of the *man*, may lessen the security or value of the "*property*." These things are inevitable if you once grant the system, and its only consistent or logical advocates are those who boldly justify them as necessary to its safety. When they are for the time relaxed, it is not because of the system, but in spite of it. I know well that slaveholders are not always brutal tyrants. Many of them do conscientiously seek the welfare of their slaves. Would it not be a foul blot upon human nature —a hideous sham of Christianity—if this were not so? Born on the shores of the Gulf, brought up in the midst of slavery, I know all that can be truly urged in its defence. But I know, too, that the vilest passions of the basest men have nowhere so free scope as under a system which permits, if it does not encourage them, whenever their interest or caprices dictate, to deny to an immortal soul every ray of light, to ignore the sacred ties of home and family, and to condemn the human chattel, *for their benefit*, to perpetual and hopeless toil. How *can* the world beyond us but stand arrayed against a system which bears such fruit as this? What can its friends expect, when its chief defenders proclaim their purpose to make it the shibboleth of a new faith, the *arcanum* of a new philosophy, the "corner-stone" of a new empire; and this, through the destruction of that noble and beneficent Government to whose shelter it owes its life? Can they wonder that all its evils, its vices, its crimes, are written down against it; its palliation swept aside; its plea for toleration unheard, and its doom declared wherever it may be found?

And thus, sir, I tell the gentleman from Livingston that the first cause of that "necessity" which he admits is one which must only grow stronger now forever; nor can it be satisfied until that cause is removed.

I shall not follow the gentleman from Livingston beyond this, the chief feature of his remarks. He thought it necessary — I do not see how he found it consistent, after admitting the "necessity" of emancipation — to paint horrible pictures of the degradation which will ensue upon the adoption of certain plans. Sir, the gentleman need not be alarmed. No proposition, no suggestion, is made here in favor of the "social and political equality of the negro." It *is* proposed, for our own sakes, to abandon a system of enforced labor which experience and conscience both condemn. As to the rest,—women and foreigners do not vote, but do we make *them* slaves? Does the gentleman find himself obliged to keep company with the ignorant and degraded, even of his own race? Such declamations as he indulged in, fell, not for the first time, somewhat dull upon my ear; and I dismiss such appeals as fitter for a different class of hearers from the body whom I address.

But I agree with his conclusion, so often and so earnestly repeated, that we must act, fearlessly and yet wisely ACT. We are called upon, in the Providence of God, to do away with a false and injurious principle heretofore engrafted upon the social and industrial economy of this Commonwealth, which has intertwined itself with many and varied interests and taken deep root with the habits of our people. It is the part of wisdom, it seems to me, to recognize all this in whatever may be done. I shall not now trespass upon the Convention by examining in detail the plans before it. Direct compensation to the slaveholder, however just and desirable for the State to make, we know is impossible. We must act in view of the larger interests at stake, and in the present unavoidable condition of slave property, if the labor of his slaves can be secured to him under proper restrictions, for a time, he may at least receive it as a choice of evils. For the sake of the slaves themselves, few of whom are probably

now fitted for entire freedom and self-dependence, I am in favor of a system something like apprenticeship, which shall still require them to work, but during which their personal rights shall be protected and the opportunity given them to prepare for their change of condition. I am glad to see that my friend from Pike (Mr. Henderson) advocates this feature. I have been surprised at the opposition which it encounters. As yet, I have not heard one tangible reason set forth against it. I earnestly trust that gentlemen will either adopt it or give a good reason for its rejection.

As to the time when emancipation shall take effect, I am strongly opposed to any such delay as that proposed by the committee—1876. The gentleman from Livingston, in advocating that date, thought that if the slave knew he was to be free in 1870, he would not wait that long, but run away. Will he wait any more patiently for a freedom *six years further off?* If, as I hope, by a judicious system of apprenticeship, the industrial interests of the State shall be guarded from any sudden shock, it seems to me altogether best for all parties that the essential feature of slavery—the *chattel* character or condition of the slave—should be destroyed without delay. The slave, then become a free man, would render more hopefully and more willingly the services required of him in return; and certainly it is to the interest of the slaveholder, if he has to give up his slaves as such, to consent to such terms as will deprive merely lawless agitators of all pretext for interfering with the rights still reserved to him. I ask those who are fighting for the very longest day they can get to think seriously of this suggestion; they are pursuing, I think, a suicidal policy. For these reasons, I am in favor of declaring slavery in Missouri at an end on the *first day of January*, 1864; but coupling with it apprenticeship for a term of years, varying with the ages of the persons emancipated, during which they shall be held to serve their former masters. I would require the Legislature to provide, by suitable penalties, against bad treatment on the one hand, and bad conduct on the other. I would give the freedmen the right to make contracts and hold property; prevent the separation of families, and encourage education of the young. These general views are already set forth in the resolutions I have presented. At the same time, even if—as I anticipate—the date I prefer be deemed too soon, I should acquiesce in a somewhat later one, so the principle of freedom to all men be adopted for Missouri. That step taken, it will never be retraced.

Is there not a profound lesson for us, Mr. President, in that old legend of the Sibyl, handed down from ancient Rome? Long ago, in her very infancy, was offered to Missouri the precious book of the future upon which the promise of freedom, peace, prosperity, was inscribed. In her blindness she rejected it. A year ago, but at a heavier cost, it was offered and again refused. Another year of strife and turmoil has passed; and again the still more costly volume is presented. Who is here among her sons who shall still madly refuse to heed the warning? Sure he may be that in this guise it will not come again.

Mr. Long. Mr. President, I ask the indulgence of the Convention for a few moments, in which to give the reason for the vote I expect to cast upon the question now under consideration. I shall be brief, and only ask this to enable me to place myself properly upon the record.

And I start out by saying I am opposed to the use of language in this debate which can by any reasonable construction be deemed personal or offensive to members, either individually or collectively. I shall say nothing in derogation of those in military power; it is unpleasant to me, for although irregularities will occur in our armies, I *honor* the soldiers who are fighting to perpetuate the liberties transmitted to us by our fathers — the defenders of your wives, daughters, and my children. I shall use no such unpleasant words as "robbers," "thieves," in connection with the action of members of this body, whilst speaking even upon the subject of emancipation, but will endeavor to deal courteously with all questions and all parties.

Sir, I have ever been opposed to the principle of immediate emancipation, and, I might add, all modes for the abolishment of slavery in Missouri, save upon a similar plan to that submitted by Mr. Clay of Kentucky; but, sir, I must make use of the adage, "circumstances alter cases." And as I conceive the circumstances surrounding us now are materially different from those of even one year ago, I believe them to have become so much more pregnant with future evil to my native State and her people, that I am willing, *per force*, to make concessions now, to do all in my power to set this hateful negro question at rest. Whether our action will produce that effect,

or the contrary, is an abstruse problem, difficult to solve. I am content to try the experiment, for it is but an experiment, as the last and perhaps the only chance for both the peace of the State and the protection of the rights of her loyal citizens; and when I vote for gradual emancipation I shall do so as a *dernier resort*, believing it has become necessary to pass such an ordinance as the one submitted by the majority committee, for the protection of slave owners, or *do worse.*

The institution of slavery, as an institution, has, to use a common phrase, "*gone up*" in Missouri, theoretically and practically, and we must now do the best we can with what remains.

Mr. President, twelve months ago I voted in this Convention to lay upon the table an ordinance for gradual emancipation, which was offered by my esteemed friend from St. Louis, Judge Breckinridge. I gave my reasons for that vote. I shall vote *for* gradual emancipation to-day, and my constituents must judge the act. Sir, I have been reminded by gentlemen, that in opposing immediate emancipation I do not reflect the will of the people of my county. In reply to which I may remark, that that populous county has *fifteen* members in this body, and that upon this subject they are divided. The *immediates* represent the Radicals, I take it, and the disproportion in this particular is not so great. The conservative portion of the delegation (I do not agree with my friend from the Register's office that they are Abolitionists) are supposed to look to the interests of that other portion of the loyal people of St. Louis county, who are unwilling to have all their vested rights in slave property suddenly taken from them. I place myself among the friends of that portion of her citizens.

It matters not, in my opinion, however extreme or radical the people of St. Louis county may be in their political notions, they are, as a body, too honest, fair, and liberal in heart, to say, after mature deliberation, that from seventeen to twenty million dollars' worth of property shall be taken from the citizens of their State forthwith without compensation, and that property, too, which the owners purchased in accordance with the laws of the land; that their vested rights in their slaves are upon the same footing that your right is to your horses, lands and moneys, each and all alike, negro and horse, are guaranteed to you by the constitutions of the United States and of this State.

Mr. President, I might have been better pleased with a different date than 1876 for the cessation of slavery in Missouri, but am satisfied to accept it, because it is proposed by the majority report; and hence, not to clog its passage, and thereby get some plan not so fair, I have voted against amendments for other dates; it is but a compromise upon time, at any rate, and I am at this time, especially upon this all-absorbing question, *a compromise man.*

Sir, what was *right* yesterday, in a political sense, may be *wrong* to-day; and what is *best* to-day may not *suit* the morrow. These are terrible and rapid times, and we can only act for the best, according to our consciences, as the event passes before us.

But the wise and good men of this Convention cannot hide their prudence and good sense under the wild and furious passions of the hour. We are dealing with a great and solemn subject; not with reference merely to passing events, but with regard to the *permanent condition of the people of this State for all time to come.*

The acts of this Convention, in this as on many subjects which it has dealt with, will form an important chapter in the history of this State and of the United States. We are responsible not only to our cotemporaries, but to posterity, for *what we do or leave undone.* We should therefore weigh well the vast importance of this subject. The great Benton said "it was a delicate subject to handle," and the distinguished Kentucky orator said it was like taking a wolf by the ears—"dangerous alike to hold on or to let go."

Sir, stupendous as is the value of the property that is proposed to be offered up on the altar of peace, yet the pecuniary view of the subject is, to my mind, of less importance than the social and political changes to follow from this measure.

It is idle to talk to sensible men about the labor of *free negroes;* it is an insult to the intelligence and information of the people of this State to tell them that a *free negro* will work better than a *slave.* What do the people of Illinois, whose gallantry and patriotism, like that of Missouri, stand attested by every battlefield in this war, think of free negroes? Her people, by a majority of 150,000, forbid their importation into that State. Indiana, New Jersey, and New York, if not so unanimous, are equally emphatic in excluding them from their borders. Will any honest man say the people

of Missouri love free negroes better than the people of the free States? Are we to fasten upon the people of Missouri, and that without giving them a chance to vote upon the proposition, no less than *one hundred thousand free negroes* — one-tenth of our entire population — *forever*, when our good neighbors of Illinois excludes every such person from her limits? Is this mass of beings, "stale, flat, and unprofitable," to remain here to *scathe* and *fester* in our social system? *I say no;* and in this I do not at all contravene the policy of the General Government, or even of the present Administration.

It is well known that many of the firmest original anti-slavery men are, and have always been, opposed to this juxtaposition of the races, and among them I enumerate the elder Blair and both of his distinguished and patriotic sons, and even the President himself, with a majority of the last Congress.

The President, in several of his messages to Congress, urged the *deportation* of the blacks when freed, and Congress, acting upon this suggestion, actually set on foot an expedition under Senator Pomeroy, of Kansas, (I believe,) for the purpose of establishing a colony in the West Indies.

The Administration has been occupied for months past in negotiating for portions of Central America for this very purpose, and no other. In addition to this, the Secretary of War issued an order months ago to the Federal Commanders in Illinois to import no more *free negroes* into that State, and this order is now in force. So if this Convention were to ordain that the slaves of this State were to be free to-morrow, no Federal officer dare take one of them to that State, on account of this prohibitory order, as well as the Constitution of that State.

Certain public journals and frantic partisans are making quite a war of tin horns and pans, in the fashion of the Chinese, upon this Convention, for being too *slow;* but it seems to me we are going a little too *fast*, even for these rapid times, in passing this ordinance, without providing for the *removal* of these slaves upon the inauguration of the *negro millenium*.

Mr. President, I am a plain man, pretending only to as much honesty and as pure patriotism, and willing to make as many sacrifices for my country, as any man in or out of this Convention; and I wish not to interfere with patriotic purposes that move this Convention, but I deem it my duty to offer for the consideration of this body the following amendment to the proposed ordinance. Amend by adding:

"*Provided*, the Government of the United States shall, prior to the time this ordinance shall go into effect, make adequate provision by law for the removal of all slaves hereby emancipated, or to be emancipated, beyond the limits of this State."

Which amendment I shall offer when the date shall have been agreed upon in the ordinance.

In conclusion, Mr. President, I beg leave to say, that, great as this subject is, it is *subordinate*, and all other subjects, to the *preservation of the Union*, which is *my country*. May God, in his universal goodness, preserve it amidst all the wreck of revolution for me and my children forever.

Mr. HOWELL. Mr. President: not formerly or at present sympathizing fully with the policy which I apprehend will be agreed upon by this Convention, I had intended to content myself by casting my vote on the primary question that might be proposed to the Convention; but, as very little has been said by any member of this body from the northeastern portion of the State, and nothing by any member from the district I represent, I think it proper to define my position upon this question, and the position of my constituents as I understand it from the limited discussion and conference that has been had among them since the call for the present session of this Convention.

Mr. President, I do not propose here to go into a discussion of the question of the divinity or the wrongfulness of slavery in Missouri, or elsewhere. We have the institution among us: it has been brought upon us not only by the agency of the ancestors of the people of Missouri, but by the co-operation and active agency of the ancestors of all the present population of the United States; and not only that, Mr. President, but, whatever the present feeling of the rest of the civilized world may be upon this subject; however intensely anti-slavery it may be at the present time, the ancestors of the present civilized Europe are responsible for the institution as it existed and does exist in all Southern States. This, sir, is not only well authenticated by history, but it is recognized and argued out by the President of the United States in his recent message to Congress. In that message the great chieftain, in the honesty and fairness of his heart, has recognized the great truth, and from his high position has attempted to obtain a

recognition of it by the American people. This being the case, and admitting, for the sake of argument, that slavery itself is wrong and deleterious to our best and highest interests; admitting that, upon the principles of political economy, if Missouri could remove it, either as a means of keeping the State in the Union, or to subserve the present and the future interests of Missouri; if it is removed for the common good, the burden of that removal should fall upon all, as the benefits (if we are to expect benefits) are to be enjoyed by all.

But it is stated here that, under the present embarrassed and increasingly embarrassed condition of the General Government and the State of Missouri, it is impracticable. If it is impracticable, and the removal of slavery has to take place, why then we must devise the next most equitable and fair plan by which justice will be done to the large portion of our population who will sustain an inconvenience and a pecuniary loss.

The Northern States of this Union had a larger, a much more active pecuniary agency in the fastening of this institution upon the people of the South than the Southern people ever had. The North, in common with the South, imported slavery into this country, and incorporated it with the social system of the various States. In process of time, from a negro-loving or philanthropic consideration, they removed slavery from their limits; but it was effected, in the main, by the sale of their slaves to the people of the Southern States. They have the money and the Southern States have the slaves. The North has invested the money it received from the sale of its slaves in internal improvements, in educational institutions, and in the improvement generally of the States North, which are in the present enjoyment of the proceeds of the sale of their slaves to the people of the South. And the slaveholders are now called upon in the State of Missouri to surrender, without any pecuniary consideration, those which they received in consideration of the money sent to the North as an equivalent for the negro population. The restoration of such a proposition, in coming times, when reason is enthroned in its proper place, would shock the moral sense of every honest man.

The Constitution of the United States, Mr. President, recognizes the institution of slavery. This Union never could have been formed—the Constitution could not have been agreed upon, without that recognition. It not only contains that recognition and a guarantee for the slaves that were in existence at the time of its formation, and the descendants of those slaves, but that same holy compact that I always looked to, and to which I look at present, as the sheet anchor of our safety, contains a guarantee, and an invitation for the further importation of slaves into this country twenty years after its adoption. After this statement of facts, this reference to the fundamental law of the country, and the contract entered into, solemnly, by our patriotic forefathers, the great heroes of the revolution, the architects of the Union and the Constitution itself, is it to be said that men who are still, by inheritance or other means, in possession of this kind of property, are to be regarded as barbarians, as enemies to their country? and unless they recognize the propriety of immediate, non-compensated emancipation, they are enemies to the Union, to their kind and race? Such a charge as that, in the face of our history, in the face of our progress in material wealth and social position, requires no serious answer from men in possession of their reason.

But, Mr. President, notwithstanding my original sympathies on this question; notwithstanding the recognition by the Constitution in its broadest and fullest sense, of the rights of the slaveholder to his property, I come up here as a patriot—I hope as a lover of my country, loyal and devoted to its best interests—prepared to make some surrender of my sentiments on this subject, and to concur with the good men of this Convention, and the patriotic and well-intentioned men of the State, in some arrangement by which, if slavery itself is not to continue, in its violent, unlawful and rash removal everything else may not be carried along in its train. I come here in opposition to the radicals of both extremes in this State. I come here, as I have always been, in opposition to those who would tear down the pillars of this fair fabric on account of a mistaken sympathy, and in opposition to those who, for the sake of carrying out a morbid anti-slavery policy, would not only destroy, in my opinion, the Union and the Constitution, but their last hope of republican liberty—the last experiment of self-government the world will ever see. I come here, as a slaveholder, to make a sacrifice on the altar of my country, for my country's good. The decree has gone forth that slavery must depart from Missouri. I had no doubt that that was decreed when the first gun was fired at Sumter; I have never had a doubt

about it. I told my people that rebellion in Missouri would be the destruction of slavery in Missouri, and most probably the destruction of everything else with it; not only the destruction of property, but of social rights and securities. My predictions and those of every considerate, patriotic man, upon that subject, I think, in the course of the two years of this unnatural, unprecedented, uncivilized war, have been fully verified. I stand here to-day to meet an emergency that I had no agency in bringing about; to legislate for an occasion that has been brought about, not only against my counsel, but against my active opposition in the region of country I live in, and in the district which I represent.

Mr. President, it is urged here that the abolition and speedy removal of slavery from Missouri must be effected for two purposes: first, to fix the status of Missouri in the Union, and, secondly, as a question of political economy. I recognize nothing, Mr. President, in the first reason; I think, sir, that as a popular idea, in these revolutionary times, it has been improperly seized upon, and has had a prominence given to it which it is not entitled to, and which is false in every respect. I have travelled over the South to some extent; I have relations in the South; and I profess to know something of how the South regarded Missouri prior to this rebellion, and how it regards Missouri today. The South has never looked upon Missouri as part of itself, nor has it regarded slavery in Missouri as a fixed fact; but has considered the removal of slavery from this State as only a question of time; and if the institution of slavery as existing in this State has contributed at all to identify Missouri with the Southern rebellion, it has been used simply as a means for present convenience, and not with any expectation of the future destiny of Missouri being identified with the Southern Confederacy. How could it be so? The Southern people are a sagacious, thoughtful, and chivalrous people, that understand equally the principles of government and something of political economy; and how could they desire the identity of Missouri with this projected Southern empire? Missouri would have almost as much exposed frontier as all the rest of the Southern Confederacy would have without it. It is a peninsula, as it were, stretching out into the ocean of free soil. It would be a disfigurement, a blot upon the symmetry of the geography of the Southern Confederacy. Not only so, but its divided population for years back, and its present divided population upon this subject, would be a source of constant disquietude and annoyance to the people of the Southern Confederacy. There is not harmony amongst us, and that would not be in accordance with the spirit and policy of the Southern Confederacy. But, sir, it was natural enough that in the struggle in which they are engaged, they should desire to make Missouri a battle-field, make it furnish their forage, and make it, as it were, a breastwork for the South. Not only does the Southern Confederacy not want Missouri, in my opinion, as an integral portion of that *de facto*, and perhaps may be *de jure* empire, but I hold that the United States have never been in danger of losing Missouri; they are not in danger of losing her to-day. There will never be a contest as to where Missouri shall go; the contest is about over, and Missouri finds herself in the bosom of the United States. And, sir, this is not only my opinion, but we have the same also from the distinguished citizen who has presided as Chief Magistrate over us for the past two years. He has told us that for the purpose of keeping Missouri in her status in the Union, for the purpose of having contributed something towards the suppression of this unnatural rebellion in this State, against his taste, against his peculiar interest, he was induced from the highest sense of patriotism, to accept the office which was conferred on him with such marked unanimity, some two years ago; but that this crisis has passed by, that now there is not a respectable body of men, in point of numbers, in arms against the Government of the United States, or against the State of Missouri, within her limits; that there is not a Confederate flag floating over the soil of Missouri, and that he can now surrender the office we have conferred upon him—and I here take occasion to say, which he has administered with so much ability and patriotism—and retire to the shades of private life, leaving the Convention or the people of the State to choose a successor. If these things are so, the pretext that the removal of slavery from Missouri is necessary to confine her within the Union, and permanently fix her identity with it, is false; it is an insincere and hollow pretext, and I shall not consume my time with the further consideration of a pretext which has been so persistently urged for the abolition of slavery in Missouri.

The next reason for the removal of slavery from Missouri is one of political economy. It

is not, in my estimation, one of political economy, but one that, under existing circumstances, is called for, for the safety and tranquillity of the State, and the people and society within the State, merely as a local or State question. Mr. President, I desire to address a few remarks on that aspect of the question.

When this rebellion broke out, as has been said, Missouri was a peninsula projecting far out into the great ocean of free soil. After two years of trial, of struggle, of agony, in this rebellion, we recognize the fact that Missouri is encompassed on every side with a broad margin of free soil. Not only that, but slavery to-day is confined to but a small portion of her centre, and that demoralized, and in a condition that it can scarcely be controlled. In this aspect of the case, I say we are called upon to act.

Mr. President, our internal improvements that have been checked by our troubles and difficulties; our bridges that have been burnt; our farmhouses and our fencing that have been destroyed, must be reconstructed; and the march of improvement, if we expect to hold a respectable position in the firmament of States, must go on. It is necessary that we have the adequate labor for this purpose. We must have labor to resuscitate our devastated country. That labor does not exist here in the shape of slave labor. It would be unreasonable to expect it to be supplied from the slaveholding States. We are to remain behind, or we are to meet the crisis. We must have a supply of labor to till the fields that are now lying waste, to complete the system of improvements, and to subdue the wild lands, if we would expect to be prosperous in the future, and respected as a people and as a State. That labor is not among us; and there is only one quarter from which we can look for it, only one source from which we can draw it, and that is from the non-slaveholding States, and from foreign countries. Experience has shown that where this institution exists, particularly in the demoralized condition in which it now is here, we cannot expect this supply of labor from the free States, or from other countries. I therefore look upon it at present, not as a matter of choice that we agree on some change in our labor system in the State, but as an imperious and absolute necessity that is pressing upon us. We could not avoid it if we would; I will not say we would if we could; but we could not if we would.

The question then is, how is this to be effected? and I hold this is the only practical question for the deliberation of the people. I took occasion, a few days before I left my district, which has been regarded as one of strong Southern sympathies heretofore, to address the people of my own county, in order to present to them my views upon this question. I did it frankly and candidly; and I believe that the people of that district recognize the fact to-day as I do, and that they are willing to act as practical men upon the emergency that has devolved upon them.

I believe the question to-day, Mr. President, in the State of Missouri, is not "emancipation or no emancipation," but "how is emancipation to be effected"? That is the practical question—for the benefit of the State, and with as little inconvenience and positive injury or wrong to the slaveholder as possible. The President of the United States has stated from his high position that he is an anti-slavery man; that it would be for the best interests of Missouri and other border States to remove this incubus, as he regards it, from their midst; but, at the same time, he does not think it can be done favorably and profitably in a convulsive manner. He believes that immediate emancipation is not practical, and that it would not be for the interest of the State, nor for the interest of the United States at large. Like the patriots who have gone before him, where this institution had to be removed, he favors its being done in a gradual and prudent manner; and I think that if the people of the State could be called upon to-day, in good temper and soberness, to pass an opinion upon this question, there would be but one expression upon it.

There are two kinds of emancipation besides immediate emancipation. One has been called gradual emancipation; the other, and it is the scheme which has been reported by the committee, is what I would denominate defective emancipation.

The House and the country appear not prepared for what is ordinarily known, and has been heretofore regarded, as gradual emancipation. The country appears to be settled down, and this Convention, so far as I know, into the conviction, that, instead of gradual emancipation, we shall have to embrace some system of defective emancipation — the question not being, as I remarked, in the estimation of the people of the State, nor of this House, a contest either for emancipation or no emancipation, or for immediate or gradual emancipation, but what is the best time to embrace a defective emancipation.

Now, Mr. President, I am inclined to favor that policy of emancipation, as it has been forced upon the country and upon me unwillingly.

The question is this: in reference to the rights of the slaveholder, who has as much right, by the constitution and in morals, to a slave as any gentleman in the city of St. Louis has to the residence in which he lives, and which shields his wife and children — the question is, if compensated emancipation is not practicable—and I acknowledge it is not—what is the proper time, with regard to the rights of the slaveholder, and the highest and best interests of the State, to fix upon as the inauguration of defective emancipation? Mr. President I am not, *per se*, an emancipationist; my constituents are not emancipationists; they have always been accustomed to that kind of labor, to that kind of institution, and that form of society, but they are willing to embrace defective emancipation as the least of the evils that were pressing upon them and upon the State. The question is, what is the proper time? It must necessarily be selected somewhat arbitrarily. While there are many in favor of a shorter time than that designated by the committee, I myself, my constituents, and many others in the country, and in this body, thought a longer time would be the more profitable policy, and would be more just to the slaveholder than the period named by the committee. I would have voted for a longer period, but as the opposite party has reported for 1876, as a compromise measure, and as I am a compromise man come here for the good of my country, and to sacrifice many of my long cherished convictions, I am willing to come down to that period. But, sir, without compensation, without some method of deportation, without some scheme to get rid of this incubus in the meantime, I am not willing to come to a shorter period. I cannot do it. As I have come to the shortest period as a matter of compromise, I feel that I am entitled to ask gentlemen here, who are for a still shorter period, to meet me in the same spirit of concession and compromise. Most of them are non-slaveholders; it is to them a mere matter of political economy. With us it is a question of sacrificing dollars and cents. It is a question, to some extent, of protection for that which composed a large portion of what we rely upon for the subsistence of ourselves, our wives and our children. The sacrifice we propose making is something real and tangible; a something which, if taken away, robs and impoverishes us. We propose now, in a spirit of concession and in a spirit of patriotism, in order that a party, a broad bottom party, based upon law and order, may be built up and sustained in this country. I say it is in such a spirit of compromise and sacrifice we propose to meet gentlemen here who have nothing to sacrifice; who are merely acting upon an idea, and mainly to subserve party purposes and party popularity. Will they now come up and meet us in a spirit equally liberal to that to which we are pledged? If they will not, I wish to hear nothing more of the want of patriotism on the part of the slaveholder; I wish to hear nothing further of the want of fidelity on the part of slaveholders to the Union and the Constitution, and the best interests of the State.

But, Mr. President, how must the scheme of immediate emancipation, or emancipation to take effect within a few years, affect the public interests of this State? The great struggle now is for the supremacy of law and order, and our great desire is for a return of our State to its normal condition of prosperity. I have remarked that much of the labor on which we have depended has already disappeared. We cannot expect to replenish it from the slave States; we must look to the non-slaveholding States for it. But can we look for the necessary labor to be replenished within a few years? When this war was inaugurated, the great statesman Seward told us it would be wound up in ninety days. The ninety days passed, and then it was prophesied that sixty additional days would conclude the work. The sixty days passed by; and we have now been engaged in the terrible work upwards of two years, and so far as I can see we are no nearer the end than when we began. Not only is the white labor of this country absorbed in the respective armies, but now the Federal Government is even looking to the colored population of this country to fill up and replenish its armies to fight the battles of the country. If this is so, and we drive slavery from among us, or by our enactments stultify its employment, where, I ask, are we to get our supply of needful labor? A very large portion of those who go to fight our battles are killed or crippled, and a still larger portion demoralized,—as is the tendency of war to do. How long then, I ask, will it be before we can command that amount of labor that we are now legislating to drive from the State? No man can tell how long this war is

going to continue, in my opinion; and for this, among other reasons, it would be wise to defer the period of emancipation beyond 1876.

We are invited to drive slave labor from us, to supply its place with free white, and, as it is argued, more profitable labor. But gentlemen must be fully aware that there is no reservoir of supply from which to draw, no teeming beehive at the North with its thousands on thousands of surplus laborers on which we can rely. I have held that a speedy or immediate scheme of emancipation would be unjust to the slaveholder; and in respect to his private advantage or disadvantage, it would be positively detrimental; I hold further, that, as it respects the interests of Missouri, it would be bad, nay, ruinous economy, and destructive of the most vital interests of this great State.

If we flood the State with a freed negro population by any ordinance of ours, and if, added to that, we include the immense number of negroes that are being liberated in the South, and now being poured out upon us, who is to assume the expense and responsibility of such a population in the State of Missouri?—a population composed of idlers, vagabonds, thieves,—a mere encumbrance upon the State. The Government of the United States is not in a condition to deport them, and Missouri is not in a condition to compensate her slaveholders for emancipation; much less is it prepared to deport them. If, then, there is no remedy for this negro inundation,—and I confess I see none,—will the free laborers of the North, even supposing there was a reservoir to draw from, be tempted to come to Missouri to share in the inconveniences, pecuniary embarrassments, and aggravations incidental to such a State of things? If I thought that the State of Missouri would not be in a better condition between now and 1876, and therefore enabled to deport her negro population, I would vote against emancipation in 1876 or any other period, because I am utterly opposed to bringing this incubus upon our State, when it might be avoided.

It is supposed by gentlemen who own large landed estates in Missouri, and by others who desire to speculate in lands in Missouri, that this change of our labor system will greatly enhance the price of lands, and consequently large profits will be made by them. Ordinarily this might be the case; but we are not legislating in ordinary times. We have no precedent before us; we must look at the facts as they are before us, and we must shape our policy in reference to them. If by the removal of the negroes from the State, or if from any circumstances free laborers are deterred from coming to the State, lands that are now under cultivation will not only become much impaired in value, but unimproved lands will become almost worthless, and a man would scarcely be justified in paying taxes for it. Possibly, in a long course of years, it may be different; but certainly within the time mentioned in this ordinance the adverse circumstances I have named would unquestionably prevail.

In conclusion, Mr. President, let me show that I am now, as I always have been, a conservative man. I have always, on principle, opposed extreme men, and extreme measures; and I now oppose that radicalism which, with a zeal more commendable for its earnestness than for any wise and statesman-like purpose, would risk the peace and prosperity of our State on a scheme which unsettles the very foundation of our social and political structure. I warn gentlemen against sudden and violent changes. Who dare say that the social disruption in which this great nation finds itself to-day, is not the legitimate fruit of radical legislation, of sudden and violent changes that the people were not prepared for? Violence begets violence. If we insist upon inaugurating a change of system, at once sudden and violent, the revolution may come back upon us,—possibly in another form, but with a force equally disturbing and disastrous. The difference between British institutions and British statesmen and ours, is, that they are more conservative. Their institutions are like a government that use and age have consecrated. They hold on to the old coat, though it is somewhat worn. If it becomes somewhat threadbare and rent, they patch it; they do not discard it for a new garment whose quality and power of endurance are untried. What is the result? Why, to-day the British government is looked to as the wisest and most able in the history of the world, or that now exists, and is perhaps the only bulwark of liberty the world over. We, on the contrary, have been fickle and impulsive; too much, I fear, like the French. Although we have a good coat on,—one that fits us when at work as when at ease,—if we see another, and our fancy is attracted by some real or fancied excellence, we at once discard the old garment without considering with anything like deliberation, how we can work in the new one, or even how we

can get it on. I admit, Mr. President, that laws and constitutions for a State, like garments for an individual, may need repairs and renovation; I only wish to guard against a fickleness and wastefulness that will both disturb and impoverish our people; against a suddenness of change in national affairs that may inaugurate disorder, when we intended it should be the prelude to peace, prosperity, and harmony. Is not this the course to which we are urged by our President? The course that Clay and Jefferson urged? Is it not the course that our true patriots, living and dead, would have us take? Let us gradually accustom our people to the wished-for change in our social institution. Let us then act with a consciousness of the responsibility with which we are entrusted, and with a deliberation befitting a question, the decision of which may affect our people for all time to come.

On motion of Mr. Howell, the Convention adjourned to 3 o'clock P. M.

AFTERNOON SESSION.

The Convention met at 3 o'clock.

On motion of Mr. DRAKE, the special order was postponed, in order to take up Mr. Marvin's substitute to the ordinance offered by Mr. Gantt in relation to changing the time for holding the election of Judges of the Supreme and Circuit Courts, which is as follows:

Be it ordained by the people of Missouri, in Convention assembled, as follows:

Section 1. That so much of the sixth and seventh articles of the amendments to the Constitution of this State, ratified at the session of the Legislature of 1850 and 1851, as provides that the elections of Supreme and Circuit Court Judges shall be held on the first Monday in August, 1851, and on the first Monday in August every six years thereafter, is hereby abolished.

Sec. 2. The first general election for Supreme and Circuit Court Judges hereafter to be held under said amendments to the Constitution shall be on the Tuesday next after the first Monday in November, 1863, and on the first Tuesday next after the first Monday in November every six years thereafter, any law, constitution or ordinance of this Convention to the contrary notwithstanding.

Mr. DRAKE offered the following amendment;

"Sec. 3. Whatever elections of judges or clerks of courts, and other officers, may now be fixed by law or by order of any court for the first Monday of August, 1863, shall be held on the Tuesday next after the first Monday of November, 1863."

Mr. PIPKIN. I beg to offer an amendment. Amend, by striking out "1863," and insert "1864." My object being to postpone so as to bring on these elections at the next general election. I am of opinion that our elections are held too frequently.

Mr. DRAKE. When these constitutional amendments were adopted making the elections by the people, the time was fixed in the odd year, to *avoid* the very thing which the gentleman wishes now to accomplish — that is, to keep the judicial entirely separate from the political. I think it is a wise policy, and I hope we may continue to adhere to it.

The amendment was put to the vote and negatived.

The ordinance, with Mr. Drake's amendment, was put to the vote and carried.

The PRESIDENT. The Convention will now proceed to the special order of the day, and the question is on agreeing to the amendment offered by the gentleman from Greene.

Mr. ORR. We have changed the Constitution of Missouri by 15 votes. I propose this amendment in good earnest. I do it because I am in favor of the Constitution of my country. I am not in favor of seeing it overridden. When this Government was framed, it was intended it should take at least four years to change it. The gentleman from St. Louis, without intending to accuse me of improper motives, says that Mr. Wright had used the same arguments that I used. If this means anything it means that I am in the footsteps of Wright, and that I am on the road to Dixie. I took the position yesterday that there was a difference between a people who *had* a government and a people who had none, and that the inherent right was in the *people* before they had a government. The people delegated certain powers to the Congress of the United States, and the powers they gave they have not now got themselves. They delegated other powers to the Legislature of Missouri. Those powers they delegated have they now got themselves? Certainly not. One of the powers they gave to the Legislature was to change

the Constitution of Missouri in a certain way. Now, we claim that *we* are the people, and have the right to change the Constitution. For us to do so would be to abrogate all constitutional rights. It was intended that it should be done only by a two-thirds vote at two consecutive Legislatures. And now we come up here and propose to do it by a mere majority. There is neither law nor reason in it.

There are two events of my life of which, Mr. President, I feel proud — one is voting against inviting the Georgia Commissioner here; and the other is trying to prevent an unlawful change in the Constitution of Missouri, and I hope, Mr. President, to prevent this body from carrying out the proposed change. I expect to do no more important act in my life than to prevent this thing, which, if done, will bring difficulties up that will have to be settled when you and I are dead.

Mr. DRAKE moved a call of the Convention, when 79 members answered to their names, the following being noted as

ABSENT—Messrs. Collier, Comingo, Givens, Gravelly, Jackson, Maupin, McFerran, Moxley, Phillips, Redd, Ritchey, Ross, Sawyer, and Vanbuskirk.

Mr. Hall of Buchanan absent on leave.

On motion, further proceedings under the call were dispensed with.

The question being on agreeing to the amendment offered by Mr. Orr (to strike out the first section of Mr. Breckinridge's amendment), it was negatived as follows: ayes, 36; noes, 46; the ayes and noes having been called for by Mr. Orr.

Mr. SOL. SMITH. I voted against striking out because it would destroy the symmetry of the amendment; nevertheless, I intend to vote against the amendment itself.

Mr. MARVIN. I move a reconsideration of the vote upon which the amendment offered by the gentleman from Cedar (Mr. Gravelly) was agreed to.

Mr. BRECKINRIDGE. I am not only willing but anxious to vote for compensation, if any method can be devised by which we can provide the money necessary. I do not myself see how it can be done; but if it *can* be done, I am sure I shall be very glad to aid in its accomplishment. But I ask for a reconsideration of the vote, because, as the substitute now stands, with the amendment of the gentleman from Cedar, it will, I think, be impossible to ascertain the feeling of members of the Convention in regard to the system of apprenticeship as intended to be offered in the ordinance I had the honor of submitting to the Convention.

Mr. WELCH. I move to lay the motion on the table, and call for the ayes and noes.

Ayes, 50; noes, 33.

The question now being on agreeing to the substitute of Mr. Breckinridge, the ayes and noes were called for by Mr. Drake.

Mr. BRECKINRIDGE. As the ordinance now stands, am I at liberty to withdraw it, Mr. President?

Objection expressed on the part of several members.

The PRESIDENT. The amendment cannot be withdrawn without the consent of the Convention.

Mr. BRECKINRIDGE. I appealed to the courtesy of the House, as I think I was entitled to do, to permit me to relieve the ordinance of certain features engrafted on it by amendments that might make it less acceptable to the Convention. The Convention was entirely at liberty to refuse. I desired a test vote on the system of apprenticeship. On this vote, this test cannot be had. I shall vote *aye*, not expecting the ordinance to be adopted in its present form; but were it permitted, such changes, I think, might be effected as would make it acceptable to the Convention.

Mr. BUSH (in explanation of his vote).—While I voted against the amendment for compensation, it was by no means that I am against compensation if it can be made practicable. I am only opposed to making false promises. I did not think it could possibly be fulfilled, and therefore I voted against it. I shall vote *aye* on the bill as it now lies, knowing it will not pass, to express my main sentiments on the bill.

Mr. NOELL. I had intended to vote for Mr. Breckinridge's substitute; but with the amendment attached to it, and the manner in which it has been attached, and believing it would be impossible for our State to compensate slave owners, and especially at such extraordinary prices as mentioned in the bill, I shall vote *no*.

The vote on Mr. Breckinridge's substitute, as amended, was as follows:

Ayes, 7; noes, 76.

The following members voted in the affirmative: Messrs. Allen, Breckinridge, Bush, Gravelly, Jackson, Linton, and McCormack.

The question then recurred to the original

ordinance reported by the Committee on Emancipation.

Mr. WOOLFOLK. I have an amendment which I desire to offer. It is a new section, as follows:

"Section 6. That at the election to be held for State officers on the Tuesday next after the first Monday of November, A. D. 1864, the several clerks of the county courts, or, in case said clerks fail, then the judges of election, shall, in preparing the poll books for election, enter thereon two columns, one headed 'for emancipation,' and the other 'against emancipation;' and if the majority of the legal votes given be for emancipation, then sections 1, 2, 3 and 4 of this ordinance shall take effect and be in full force; but if the majority of legal votes given be against emancipation, then sections 1, 2, 3 and 4 of this ordinance shall be null and void; and when the result of the election shall be ascertained, the Governor of the State shall, by proclamation, announce the same."

I propose to submit this amendment without discussion. It proposes to submit the entire ordinance with the exception of the 5th clause, which provides that the General Assembly shall have no power to pass laws on this subject. I think that sufficient has been said here to show that this slavery agitation will never cease till we have had a full, fair vote upon the question by the people. Some have been in favor of an earlier date, but I am in favor of the election of 1864, as I think that by that time quiet will have been restored to the State, and the whole question can then be fairly discussed by those who will be candidates for office. There is an additional reason, namely, that at that election the members of thee General Assembly and Congressmen will be elected.

Mr. ALLEN. I move to strike out "1864," and substitute "1863."

Mr. DRAKE. I would inquire of the gentleman from Livingston if he would temporarily withdraw his amendment to give those gentlemen who are in favor of early emancipation the privilege of proposing earlier dates, simply to allow the House to pass upon them.

Mr. WOOLFOLK. I would prefer this amendment being voted on now, though I very much wish to oblige the gentleman.

Mr. DRAKE. As our amendments are simply as to earlier dates, and nothing else, I feel it would be an accommodation if the gentleman from Livingston would permit us to try earlier dates, and so get them out of the way.

Mr. WOOLFOLK. Would not the same end be attained by voting on this amendment now? No, sir, I cannot withdraw it.

Mr. DRAKE. I would suggest that, instead of "1863," the amendment should include the words "Tuesday next after the first Monday in November, 1863."

Mr. ALLEN. I accept the suggestion.

Mr. MEYER. I call for the ayes and noes.

The vote on the amendment resulted as follows:

AYES—Messrs. Allen, Baker, Bogy, Bonnifield, Broadhead, Bridge, Bush, Drake of St. Louis, Eitzen, Foster, Gantt, Gravelly, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Leeper, Lindenbower, Linton, Long, McClurg, McCormack, McDowell, McLean, Meyer, Morrow, Noell, Rankin, Schofield, Scott, Shanklin, Smith of L., Smith of St. Louis, Stewart, Walker, and Vanbuskirk—38.

NOES—Messrs. Bartlett, Bass, Bast, Birch, Breckinridge, Calhoun, Cayce, Deal, Duvall, Doniphan, Douglass, Drake of M., Dunn, Flood, Gamble, Gorin, Hall of R., Henderson, Holt, Hough, Howell, Jamison, Johnson, Kidd, Marvin, Matson, McFerran, Moss, Norton, Orr, Phillips, Pipkin, Pomeroy, Prewitt, Ray, Ross, Rowland, Sayre, Shackelford of H., Shackelford of St. L., Sheeley, Waller, Welch, Woodson, Woolfolk, and Mr. President—47.

Mr. HENDERSON. I learn that Gen. Schofield is in the city; I therefore move to postpone the pending order, to make a motion that he be invited to take a seat on the floor of the Hall.

Agreed to.

Mr. HENDERSON. I move that a Committee of three be appointed to wait upon Gen. Schofield to inform him of the decision of the Convention.

The Chair appointed Messrs. Henderson, Hall of R., and Phillips.

The question being on the amendment of Mr. Woolfolk,

Mr. ALLEN (in explanation of his vote).—Seeing there is a difference of opinion in reference to the constitutionality of our action on the emancipation question, I favor its submission to the people. I vote *aye*.

Mr. BUSH. Though I am in favor of submitting the ordinance to the people, I think it unwise to leave it till 1864. I vote *no*.

Mr. DRAKE. It is a mighty bitter pill to swallow, sir; but I am determined, so far as

my vote is concerned, that whatever emanates from this Convention shall go before the people for their ratification, and if I cannot get it in 1863 I will accept it in 1864.

Mr. FOSTER. I desire to say, sir, that I cannot favor any scheme of emancipation that is not submitted to the people, though I would have desired its being done at an earlier date. I vote *aye*.

Mr. IRWIN. I think the people of this State do not desire to be agitated from centre to circumference upon this question under the present circumstances. I vote *no*.

Mr. LEEPER. I am in favor of submitting all propositions to the people, but I would like to have the election in 1863. I therefore vote *no*.

Mr. MEYER. I am, like my colleague (Mr. Leeper), in favor of the election in 1863; but if I cannot have it before 1864, I vote for that.

Mr. SOL. SMITH. I am in favor of submitting our action to the people, but I object to postponing it to November, 1864. No good is attained by so doing, and it only keeps open this eternal agitation. I vote *no*.

Mr. Woolfolk's amendment was adopted by the following vote:

AYES—Messrs. Allen, Baker, Bartlett, Bass, Bast, Birch, Bogy, Calhoun, Cayce, Deal, Duvall, Doniphan, Drake of Moniteau, Dunn, Frayser, Flood, Gorin, Gravelly, Henderson, Holt, Hough, Howell, Isbell, Jamison, Johnson, Kidd, Lindenbower, Linton, Matson, McCormack, McDowell, McFerran, McLean, Morrow, Moss, Norton, Orr, Pipkin, Pomeroy, Prewitt, Rankin, Ray, Ross, Rowland, Sayre, Shackelford of H., Shackelford of St. Louis, Shanklin, Sheeley, Vanbuskirk, Walker, Waller, Welch, Woodson, Woolfolk, and Mr. President—56.

NOES—Messrs. Bonnifield, Breckinridge, Broadhead, Bridge, Bush, Comingo, Douglass, Drake of St. L., Eitzen, Foster, Gamble, Gantt, Hitchcock, Holmes, How, Irwin, Jackson, Leeper, Long, Marvin, McClurg, Meyer, Noell, Phillips, Schofield, Scott, Smith of L., Smith of St. L., and Stewart —29.

The following members changed their votes from *aye* to *no*: Messrs. Drake of M., Foster, Bonnifield, Jackson, McClurg, Meyer, Shackelford, and Smith of Linn.

The following members changed their votes from *no* to *aye*: Messrs. Henderson and Matson.

Mr. HENDERSON. I changed my vote merely for the purpose of moving a reconsideration. Under ordinary circumstances I would be slow to refuse to submit any proposition of this character to the people; but I am led to avow, in the face of the representatives here, that I do not wish to present this proposition to the people under existing circumstances. I am willing to take the consequences. It is my deliberate opinion that the people of Missouri do no expect us to submit this proposition to them. We have had turmoil and confusion long enough in the State. We can adopt such measures as will be as acceptable as if they had acted. You cannot expect to get an expression from the people on the subject of emancipation by submitting any particular ordinance to them. Those who are in favor of emancipation with apprenticeship will vote against and defeat it, by combining with its enemies, by objecting to some particular feature. Those who are in favor of the report of the committee will vote with its opponents for the same reason. My opinion is, that, if you submit it to the people, it will either be defeated, or else you will bring upon the State another excitement upon the negro question, that will perhaps end in something worse than the destruction of slave property, and perhaps a war at the polls. This I desire to avoid. Already one-third of the negroes have gone, and if we appeal again to the people another excitement will ensue; and I ask you, how much of slavery will be left in the State when the excitement is over?

Mr. WOOLFOLK. I move to lay the motion to reconsider on the table. My object in submitting it to the people is to prevent agitation. The radical presses of the State have already begun to charge us that we desire to pass an act of emancipation without submitting it to the people. I want to put an end to their clamor. If we prolong the existence of slavery until 1876, and fail to submit it to the people, we do not suppress but increase agitation.

Before Mr. Woolfolk had concluded, General Schofield, accompanied by his staff, Gen. Brown, and others, made their appearance, when the Convention took a recess of fifteen minutes. During the interim Gen. Schofield received the congratulation of members, after which the Convention was called to order.

Mr. HALL. I desire an adjournment, as we have arrived at a point at which if we do not act with extreme caution we shall bring trouble and disaster upon the State. I move we adjourn to Saturday morning, 10 o'clock.

Mr. BIRCH. I call for the ayes and noes.

Ayes, 39; noes, 47.

Mr. HITCHCOCK. I move to adjourn to Saturday morning, 9 o'clock.—Carried.

TWELFTH DAY.

JEFFERSON CITY,

Saturday, June 27, 1863.

Convention met at 9 o'clock.

President in the chair.

Prayer by the Chaplain.

The journal of Friday's proceedings having been read and approved,

Mr. LINDENBOWER submitted "An ordinance to provide for supplying the vacancy existing in the office of Judge of the Fourteenth Judicial Circuit," and remarked:—There has been a vacancy existing in the Fourteenth Judicial Circuit since January last, and no courts have been held in that circuit other than what have been held by the judges of other circuits. Our jails are filled with prisoners, and business is generally behindhand. The Governor, I understand, is willing to fill the vacancy, if the Convention should sanction it.

Carried unanimously.

Mr. BOGY, from a Select Committee, made the following report:

"The committee to whom was referred the petition from the people of St. François county, praying that an ordinance be passed by the Convention authorizing the issue of Treasury warrants by the Governor, for the purpose of paying the Enrolling officers, having had the same under consideration, have instructed me to report the same back, and recommend that it be referred to the next session of the General Assembly of the State of Missouri."

The report was read and adopted.

Mr. SAYRE. I move to take up the ordinance, of which I gave notice a few days ago, appropriating $50,000 for the care of the sick and wounded soldiers of Missouri.

I will not, Mr. President, occupy the time of the House in urging the claims of a measure whose necessity I believe will be admitted by all. But I would, at this particular season, call attention to the situation of our troops before Vicksburg, as well as on the frontier. The weather is very warm and oppressive there, and our troops will be subject to dangerous diseases incidental to the position and circumstances in which they are placed. The call is eminently proper because it is urgent, and I hope it will be passed without opposition.

Mr. STEWART. I move to strike out $50,000 and insert $100,000.

Mr. MEYER. I move that the subject be referred to a Special Committee of three.

Carried unanimously.

Messrs. Sayre, Meyer and Phillips were appointed said committee.

Mr. STEWART. I move that this Convention do now adjourn *sine die*.

Mr. BIRCH. Upon that question I call for the ayes and noes; so that if this body should so determine, we may be allowed to proceed uninterruptedly with our business.

Mr. GANTT. I hope the gentleman from Clinton will withdraw his request for the ayes and noes.

Mr. DRAKE. I shall renew it, should it be withdrawn.

The result of the vote was, ayes, 16; noes, 70.

Messrs. BUSH and LEEPER desired to change their votes from *no* to *aye*.

Mr. POMEROY asked for a suspension of the special order of the day, to introduce an ordinance pertaining to the Probate Court of Crawford county; which was disagreed to.

The special order for the day was then resumed, namely, Mr. Woolfolk's motion to reconsider the vote agreeing to his amendment to the original report of the Emancipation Committee.

Mr. DRAKE. I call for the ayes and noes.

Mr. ORR. The gentleman from Livingston proposes to add a new section to the report of the Committee on Emancipation, submitting the question to the people in 1864. Now, I think the gentleman from Pike has made the most sensible proposition of any yet made by any Abolitionist since we met, and that is, if we are to abolish slavery, it is certainly the safest thing *not* to submit the measure to the people for their ratification, notwithstanding it has been avowed here that nothing would give satisfaction to the people that was not submitted to them. The gentleman says, in effect, they might not adopt it, after all, if we did; and I think this is a very sensible conclusion to which he has come. I profess to know something of the will of the people. I occupy

a position which brings me into contact with perhaps as many persons as any one man in the State; and I say that there is not a solitary county in favor of any kind of emancipation that is practicable. If you could pay for the slaves and take them out of the State, I think the majority of the people would declare in favor of it; but as to emancipation without compensation, there is not a county, St. Louis not excepted, that would vote for it. I therefore think, if you insist upon passing this measure and thrusting it upon the people of the State, you had better not ask them for their assent. I intend to vote against any scheme of emancipation that can be brought up; and every scheme *you* vote for I will vote to submit to the people.

Mr. IRWIN. I am in favor of the motion of the gentleman from Pike. If the emancipation scheme is to be submitted to the people, I think it ought to be at as early a date as is practicable. There is an earnest desire for peace throughout the State, and many slave owners are willing to make a sacrifice of their convictions, as well as of their slaves, to attain it. But why should emancipation give us eighteen months more agitation? If the question is to be submitted at all, let it be at an earlier period than that suggested by the member from Livingston.

Mr. BROADHEAD. This is an important question, and I wish to call the attention of the Convention to its action, in times past, upon similar propositions. I am, sir, opposed to submitting the action of this Convention to a vote of the people. You will all recollect, when the Convention met in this hall, in July, 1861, you will remember that we found the gubernatorial mansion vacated — the Governor and Lieutenant Governor fugitives from justice and from their own State, and the whole machinery of the State Government completely disorganized. We rejoiced then, and the loyal people of the State rejoiced, to know that there was a body in existence, elected by the Union-loving people of Missouri, which had the power, by virtue of the authority given them, to assume the reigns of Government; to restore the shattered fortunes of the State, and to reunite the broken links which had joined us to the Federal Government—for, so far as the State authorities could do it, Missouri had been cut loose from her moorings in the Constitution, and dissevered her connection with the Union. That was our condition in July, 1861, when this Convention assembled for the second time, to take counsel as to what was to be done to save our State from disunion as well as from anarchy. The Governor, the Lieutenant Governor, and the Legislature, were all disloyal, whilst the people, by the largest vote ever polled in the State, had proclaimed their adhesion to the Union and the Constitution; and had declared that there was no "adequate cause to impel Missouri to dissolve her connection with the Federal Union." A committee appointed by this body made a report declaring the offices of Governor, Lieut. Governor, Secretary of State, and of the members of the General Assembly, vacant; it provided that the Convention should elect a Governor, Lieut. Governor, and Secretary of State. I happened to be chairman of that committee, and reported the ordinance for adoption, without any proposition to submit it to a vote of the people; a majority of that committee was opposed to any such course, and I was with the majority.

Afterwards, when the matter came up for discussion in the Convention, another member was added to the committee, and the whole matter was sent back to the committee for its further action. After several days of angry discussion in the committee, another report was made proposing to submit the action of the Convention to a vote of the people. I remember well the warm discussion we had, in a caucus of Union members, in the Senate chamber of this capitol, on the very question of the submission of our action to a vote of the people. I recollect well that my friend from Pike and myself bitterly opposed the submission. We opposed it upon the ground that it would, in its effect, have been equivalent to submitting an ordinance of secession to the people. The war had then commenced in Missouri, and it was not possible, as we thought, to get a fair vote upon the proposition, even if it were a question proper for submission. Had we done so at that time, without any restrictions as to the right of voting, we did not know but that the whole action of the Convention would have been voted down, which would have been equivalent to reinstating Jackson in office, and committing to him and his co-workers in treason the government of the State.

The gentleman from Clinton was urgent, as he is now, for submitting the action of the Convention to the people. He wished the vote brought on as early as September, 1861. We discussed the matter night after night in caucus, and finally, as a compromise, we consent-

ed, as a compromise, to submit our action for the ratification of the people on the 1st of November, 1861. I was fully satisfied then, as the Convention afterwards became satisfied, that a fair vote could not be taken in the then disorganized state of public affairs; the military power of the Federal Government in the State was, at that time feeble, and Missouri was subject to a rebel invasion from Arkansas and Texas, which invasion, in less than a month afterwards, took place, under the lead of Gen. McCullough; and there was besides a sufficient number of armed rebels within the State to have controlled the election, and restored Jackson to authority. The history of events proved that Gen. Price was investing Lexington, on the Missouri river, at the very time when the gentleman from Clinton proposed to bring on the election. I, however, yielded, and consented to vote for the submission, on condition that the election should be put off till November, believing at the time that the Convention would feel compelled to rescind its action in some form or other.

The Convention met again in October, 1861. That part of the ordinance providing for a vote of the people in November was repealed, and the time for election postponed till August, 1862. The Convention met again in July, 1862, and even then was not satisfied that there could be a full, fair and free vote of the people of the State upon its action, and rescinded that part of the ordinance entirely. So that no part of its action has ever been submitted to a vote, as it never ought to have been. The ground assumed by the committee, in its first action, was the true ground,—the Convention was the only organized body in the State that was constitutionally competent to represent the body politic, and carry on the operations of the State government, and prevent Missouri from being dragged out of the Union, and it was its duty to do so fearlessly and independently. The executive officers of the State government had been chosen for four years; they turned themselves out of office by their own acts; it became our duty to fill the vacancies thus created, and put the machinery of government in motion again. We did so by the establishment of a Provisional Government. If we had the power to do anything at all in this respect, we had the power, and it was our province, in the establishment of the Provisional Government, to fill the vacancies for the balance of the time till the 1st of August, 1864. The loyal people of the State approved our action, and Union men everywhere applauded the deed. We formed a nucleus around which loyal men could rally; we gave shape and form to the Union sentiment of the State; we gave the authority of legal forms where there was none—something of order where all would have been chaos and confusion. From this order came strength; drooping and desponding patriotism was revived; Missouri was put in unison with the Federal Government; State organization reached where the power of the Federal Government could not go, and the combined efforts of the two saved Missouri to the Union.

If we deserve any credit for this, let others speak our praises; it does not become me, as a member of this Convention, to do so; but if we had yielded to the clamors of demagogues we could have accomplished but little.

In 1861, when this question was up before the Convention, one of my then colleagues from St. Louis (Mr. Wright) took the same ground that is now taken by the gentleman from Greene, (Mr. Orr). He resorted to the same clap-trap argument, perhaps with a different purpose; though of this I am not so certain, for the purpose of Mr. Wright was to defeat the action of the Convention then, and the purpose of the gentleman from Greene is to do the same thing now. I took the same ground then in reply to Mr. Wright which I take in reply to the gentleman from Greene to-day.

The act of the Legislature providing for a call of the Convention declares—

"Section 10. No act, ordinance or resolution of said Convention shall be deemed to be valid to change or dissolve the political relations of this State to the Government of the United States, or any other State, until a majority of the qualified voters of this State, voting upon the question, shall ratify the same."

This is the only provision of the law requiring a submission of the action of the Convention to the people. The people have thus said to us, in reference to the question of submitting our action to them, that only in case of the passage of some ordinance or resolution proposing a dissolution of the Union do they require it. Those who placed us in office have not asked it nor required it; and, indeed, I believe it is not denied that our action would be valid with its submission to a vote of the people. Then why should we submit it, any more than the Legislature should submit a law passed by them, for ratification?

Upon this question, I take the same ground now which I took in 1861. In the reply to Mr.

Wright, just referred to, and in speaking of the tenth section of the act just quoted, I said—

"A power is given to the Convention, we will say, to do two things. If one thing is done, it shall not be considered binding until submitted to a vote of the people; but the very power to do the other thing without requiring such submission gives it full validity from the time it is done, else the power to do it is a nullity.

"That the people are the source of all political power, and that they alone can change their fundamental law, I admit. But how do the people of America uniformly act? They do not, and generally cannot, make constitutions in mass meetings. If we look through the political history of our country, it will be seen that the people always act through conventions of delegates chosen by themselves; they appoint agents, and those agents act for them; and in but few instances has it been thought necessary that the acts of the agents should afterwards be confirmed by them. They are the exceptions to the rule."—[See p. 130 of the proceedings of the July Session of the Convention, 1861.]

In these positions I am borne out by the facts of history. Since the time of the adoption of our Federal Constitution in 1789, a period of about seventy-four years, there have been many fundamental changes in the constitutions of the different States, besides the constitutions adopted by the new States which have been admitted into the Union, and in more than three-fourths of those instances the action of the conventions which formed or altered those constitutions have not been submitted to the people. The exceptions indeed are rare, and in the case of those exceptions I believe it will be found that there was some previous condition requiring it, as in the case of the tenth section of the act of the Legislature to which I have referred.

This mode of delegating power to a convention of their representatives is the only reasonable mode in which the people can act, and this mode of action has become the common law of our political system. It is the republicanism of America as contradistinguished from the republicanism of the old world. We pass laws in this way, and we make constitutions in this way. In ancient Rome and Athens, at one period of their history, laws were passed by assemblies of the people; but they were certain people of the city who might easily be assembled for that purpose. But we all know that the people of Missouri could not act in that way. If it were possible to assemble the whole population of Missouri in a mass meeting, how could they deliberate for the purpose of changing any part of their fundamental law? Would discussion and deliberation be possible under such circumstances? Would not the antagonistic and discordant elements collected together result in confusion worse than that which existed at the building of the tower of Babel? Laws and constitutions to be of any value must be the result of deliberation and concession. Every man's views cannot be carried out in reference to a particular subject of legislation, because, if so, there would be no one law for all. A member of a legislature or a convention introduces a proposition, thinking, perhaps, at the time, that he is master of the subject, and has all the wisdom that belongs to it; but he very soon finds that he has made a mistake, or that he has left out something, or that somebody else thinks he is all wrong. He finds, in short, that he cannot get what he wants; and if he is a sensible man he will take the next best thing that he can get. This is the result of all legislation. Small bodies of men are chosen for legislatures and conventions for the very reason that large bodies are unwieldy and impractical. To those bodies of men certain powers are delegated, and if they are not permitted to exercise those powers they become mere automatons.

A great deal has been said about the voice of the people. Now, I respect the voice of the people as much as any man here; but I do not fear it, and this continuous clamor about the people is raised for the purpose of putting us in dread of them. I am here to perform a duty. I have certain powers, as a member of this body, which I expect to exercise upon my own responsibility. I trust that no member of this Convention will be deterred from the performance of his duty by reason of the fear of opposition at home on the part of the people. If we are authorized to be here at all—if we are authorized to act upon this question at all—we ought to have the courage to act upon our own responsibility, and let the consequences take care of themselves. For my own part, I shall undertake to discharge my whole duty irrespective of consequences to myself. There are some of you, gentlemen, who have shown that you do not fear to face the enemy upon the battle-field; are you not brave enough to follow the convictions of your best judgment, when satisfied that your action is for the good of the State, even though it should fail to meet with popular approval for the time? Suppose it

should result in our political sacrifice, what of that? Let us be willing to accept the sacrifice. There is no reputation worth having that does not result from a sense of duty discharged. If by our action here we can settle this slavery question, and save the State from further anarchy, it is our duty to do so. This Convention, in my opinion, has to act, and if it can pass an ordinance of emancipation, the best possible under existing circumstances, I am willing that its action shall be final. This position I take deliberately, in spite of the clamor of demagogues here or elsewhere. I am content to leave my action to the judgment of posterity and to abide its decree.

Mr. BIRCH. I have no desire to avoid the responsibility of having sedulously urged upon this floor and elsewhere, then and now, that there should be a submission of our action on all important questions to the source of all authority — the people. In justification of the course I took, I refer you to the tenth section of the ordinance by which this Convention was convened. Now, sir, I am most ready to listen to what the law-maker had in his mind when he spoke of changing the relation of this State to the Government of the United States, or to any of the States, that we should not change the relation of a slave State to that of a free State.

Mr. BROADHEAD. What has this to do with the relation of this State to the Government of the United States?

Mr. BIRCH. The relations of a slave State to the Government of the United States are written down in the Constitution of the United States. The Union would never have been formed without certain guarantees to slave property, and power to reclaim it; and I, sir, settled in this State as one knowing that I had that constitutional guarantee of the United States, and of this State, that I never should be divested of that property without a two-thirds Legislature vote, confirmed by a two-thirds vote of the succeeding term. I therefore understand that the committee who reported this ordinance expressly had in view the relation of this State to the Government as a slave State, and that she should not dissolve her relation with the Federal Government, or change the relation of this State as a slave State, without such action being submitted to the people. I believe that at least eighty of us were sent here as much to preserve the integrity of the slave States as the Union itself; and that we can no more, consistently with our action heretofore, or with our oath, pass an act of emancipation without referring it to the people, than we could pass an ordinance of secession. I have voted for this proposition of the gentleman from Livingston in all good faith. I believe that in submitting our action to the people in 1864, we shall have reached a condition of things when the present complication will, in a great measure, if not entirely, have passed away, and when the majority of the people may go the polls and vote in peace. My purpose is, when we have perfected this ordinance as much as we can, to offer a resolution or ordinance which shall, at the very first election after the restoration of peace, give the people an opportunity of voting, in separate columns, for or against the action of the Convention, and for or against the constitutionality of the ordinance of emancipation. Such a course of action, it seemed to me, would tend to the restoration of the Union and the settlement of the slavery question at the proper time.

The question being to reconsider the vote agreeing to the amendment of Mr. Woolfolk to the original ordinance of emancipation,

Mr. DRAKE called for the ayes and noes.

Mr. PHILLIPS. In explanation of my vote, I simply desire to submit an extract from the speech of my distinguished friend from Clinton (Mr. Birch), as it very succinctly and forcibly reflects my own views. I quote from his speech of July, 1861, on a similar proposition, to be found on p. 71 of the Proceedings of the State Convention:

"My estimate of our authority is, that, as representatives of the residuary sovereignty of the people of the *State*, we are competent to ordain anything that is not in conflict with the Constitution of the United States; the people of the State having conferred on us *all* their power, whilst the people of the United States have conferred upon us *none* of their power."

The result of the vote was — ayes, 61; noes, 27.

Mr. WOOLFOLK, on leave of the Convention, withdrew the amendment.

Mr. DRAKE. I offer the following amendment: Amend section 2d, by striking out the words "fourth of July, eighteen hundred and seventy-six," and insert in lieu thereof "first of November, eighteen hundred and sixty-six."

I desire to accompany this amendment with a statement, which, after the most mature deliberation I am capable of, I feel constrained to

make. As I took occasion to indicate on the first day of the session, I am for emancipation on the first of January, 1864, with subsequent apprenticeship of the negroes. I offered an amendment to that effect, as to the date, and it was voted down. Only twenty of us recorded our names for it. I wished that the first of January, 1865, and the first of January, 1866, should have been offered and voted upon before presenting the amendment now offered; but I could not accomplish it: nor do I suppose it would have availed anything if I had. I therefore now present this proposition, and upon the date therein named I take my stand. I do no expect to fall back any farther. There is a limit, beyond which, in my opinion, the friends of immediate emancipation should not recede; and I consider that limit fully reached in this amendment.

I have not adopted this limit arbitrarily, nor without a reason. I will not, because immediate emancipation has failed, factiously refuse emancipation altogether, but will still strive for it. My object is, to secure it *at any time at which it will be impracticable to undo the great work before it takes full effect, except by a direct appeal to the people, in the election of a new Convention, when the issue shall be fully and fairly before them, distinct from, and unembarrassed by, other matters.* I do not intend to vote for any ordinance, which, before emancipation is a fixed and unalterable fact under it, can, in any possible turn of events, however seemingly improbable now, be subjected to the hazard of a repeal by *the Legislature.* Any ordinance we may adopt becomes a part of the Constitution of this State. If submitted to the vote of the people, it becomes so when they ratify it; if not so submitted, it becomes so when we adopt it. But, like any other part of the Constitution, it may be repealed by the Legislature if two-thirds of two consecutive Legislatures concur in passing a constitutional amendment to that effect; unless this Convention should, in terms, prohibit its repeal in that way; which I have no idea will be done. I will not consent, so far as my vote is concerned, that any such sunken rock shall be planted in the channel of the future, to wreck Emancipation before it can complete its voyage in safety. It is not enough for me that the probabilities are, apparently, all against a legislative repeal. I want a *certainty* so clear and impregnable, that no man will have a moment's doubt or apprehension. I want the public mind to settle down the moment the Ordinance of Emancipation becomes a law, in the composed and undoubting conviction that slavery has received its death-blow, and can never be revived; and I will not support any proposition which does not certainly and fully accomplish that. This is the *principle* which leads me to fix upon the first of November, 1866, as the limit of my retreat from my first position.

I assume, and am willing to take the responsibility of assuming, that under no possible circumstances could the present Legislature, at its adjourned session next November, be brought, by a two-thirds vote of both Houses, to propose a constitutional amendment for adoption by the next succeeding Legislature, repealing an ordinance of emancipation passed by this Convention; but beyond that point, there is no certainty. With emancipation fixed at a far-off day, the word would go forth from the advocates and defenders of slavery, for universal acquiescence in our action, as a settlement of the whole matter forever. The public mind, influenced by that word, yearning for repose from its long-sustained excitement, and unconscious of danger, might be lulled into a fatal slumber, from which it would awake some day to find that acquiescence in emancipation at that far-off period was acquiescence in its final and remediless destruction. The friends of emancipation would sleep in fancied security; but every man of their opponents would be wide-awake, active, and efficient, by day and by night, till the hour for the blow should come. Thus, improbable as it may now appear, the Legislature to be elected in November, 1864, might, by skilfully devised, carefully concealed, and treacherous plans, be so constituted as, by a two-thirds vote of both Houses, to propose such an amendment. If so, of course the same Legislature would repeal the test-oath ordinance of June 10, 1862; and the elections in this State would, thereafter, almost certainly be controlled by rebels and those who sympathize with them. And, as the result of that, however improbable it may now seem, the Legislature to be elected in November, 1866, might, and almost certainly would, be so composed as to ratify the Constitutional amendment proposed by the Legislature of 1864, and so repeal emancipation. I will not agree to run the risk of such a result, no matter how much it may now appear beyond the range of any ordinary probability. I have come here to secure emancipation, if at all, with assured and absolute certainty. If I cannot get it in that shape, I will not, by my

vote, contribute to get it at all from this body.

The Convention now understands why I said that the date named in this amendment was not selected arbitrarily, nor without a reason. It was selected because it is the last period of time that could be named at which emancipation, ordained by this Convention, would be safe against everything in the world but a *Convention* proceeding from the people themselves. If this body refuses to adopt that date, then I must decline to concur, by my vote, in any later day it may select for emancipation to take effect. The question, so far as I am concerned, must *go back to the people*, who, I am well assured, will take good care of it. They will see that another Convention is elected, which will reflect their wishes. With this great subject once fairly in their hands, to deal with as they please, they will sweep away obstacles like cobwebs, and strike down slavery with a more sudden blow than this. They would have done it ere this, but for the self-prolongation of this body's existence. They will do it speedily, in spite of this body and its action.

And now I invoke every member of this Convention, who is really in favor of emancipation for its own sake and for the sake of Missouri, or who knows that his constituents are so, to take his stand with me upon this proposition as a finality. It is the last date that gives us emancipation with irreversible certainty. If adopted, it will settle the whole matter forever. The people will ratify it by their votes if it be submitted to them; if not submitted to them, they will approve it in their judgment and their hearts, and it will stand fixed and immovable through all future time.

To avoid misapprehension, I would say that if this amendment should be adopted, I will cheerfully vote for others, incorporating in the ordinance a system of apprenticeship of the emancipated blacks, for a period of seven years succeeding the first of November, 1866. For the reasons stated in the speech I delivered here on the second day of the session, I am desirous that time should be given to avoid the inconvenience resulting from so great a change in our system of labor, and to prepare the slaves for the boon of complete freedom. I now say that I am willing that that time, including the remaining period of slavery and the succeeding term of apprenticeship, should be *ten years*. If, therefore, this amendment should prevail, fixing November, 1866, as the date of emancipation, I will support a period of apprenticeship of seven years beyond that; and so far as I can now see, I do not expect to concur in any longer term after the day set for emancipation.

This, gentlemen of the Convention, is the position I have deliberately taken. How many more will take it with me I do not know; but whether I stand alone in it, or am supported by others, here I must stand, whatever the consequences.

Mr. BRECKINRIDGE. It is well known to this body, Mr. President, that I introduced, on the first day of our present session, an ordinance of emancipation at an early day, providing for a subsequent term of apprenticeship for the slaves so emancipated. It is also well known, sir, that I opposed immediate and unconditional emancipation, as threatening injury and involving dangers to the whole people, white as well as black, which it is our duty so to frame our measures as to guard against and prevent. I desire now to repeat what I said in my argument in support of the proposition I had the honor to submit, (for the course of my colleague, Mr. Drake, seems to me to make it necessary that I should do so,) that, having determined, after much study and reflection, what, in my judgment, is the best plan for this body to adopt, and having made an earnest effort to convince my fellow-members of the propriety of that plan, I did not, by any means, propose to myself to adhere stubbornly to it, and to refuse to aid in the adoption of any other if my own should not prevail. I should esteem myself worthy of your condemnation, if, however deep might be my conviction of the proper course to be pursued, I were to stand up among the representatives of the people in a time of trial like the present, and, arrogating to myself all wisdom and all patriotism, declare that unless you will yield your convictions, and come to the support of my proposition, I will give you no aid to solve the difficulties that now surround us, nor to relieve the people of the State from the burdens that now oppress and threaten to crush them. I would not willingly assume so great a responsibility in a case where no principle is involved, and where, having determined that the principle—emancipation—shall prevail, the difficulty is only to determine the method and the details by which it is to be accomplished.

I came here perfectly convinced that some scheme of emancipation is necessary to the peace, tranquillity and salvation of our people.

This involves principle, and I shall not, under any circumstances, recede from it. And I am glad to believe that a majority of this body agree with me as to the necessity of providing for emancipation.

I came here, also, satisfied that the best mode, under all the circumstances, of accomplishing this object, is to provide for the emancipation of all slaves at an early day,—earlier than the majority of this body seem to be willing to adopt,—and, at the same time, to secure to the former masters the services of the slaves thus emancipated by a term of apprenticeship. By such arguments as I could command, I have endeavored to commend these views to the Convention; and I am still satisfied of their correctness. This involves, however, only the policy to be adopted in securing the end proposed; the means by which the principle, as to which a majority are agreed, is to be made effective, and, as to this, I came here resolved, first, to make earnest efforts to secure the plan I deemed best, and, failing in this, and yielding whatever I could properly yield to the loyalty and wisdom of the representatives of the people here assembled, to labor to secure the best system which this body would adopt.

I know something, sir, of the justice, wisdom and courage of this body, chosen two years ago to redeem this State from the great peril that then threatened it. I know how fearlessly and wisely it has borne its great responsibilities, and brought the State thus far safely through the dangers that surrounded it, notwithstanding all the clamor that, from time to time, has been raised against it. And I say to my colleague, that, while I do not question his personal motives, he commits a grievous wrong when he endeavors to plant himself in its path, and avows that, while he desires emancipation, he will not modify his position in any respect—not by the breadth of a hair—out of deference to the views of his fellow-members, even though, by his obstinate adherence to his own views, he should defeat the principle he desires should prevail.

For myself, I will do no such thing. I shall vote for or against propositions submitted to this body according to my best judgment of their merits and probable results; but I will not, by blind adherence to my own preferences, peril the success of emancipation; and, with God's help, I will not leave this body till I am able to say that I have voted for, and aided to secure, the adoption of the best scheme of emancipation we can secure from it.

I certainly claim no special right to give advice or counsel to any member of this body. I admit the superior wisdom of many of them, while I yield to none in loyalty, in devotion to the interests of the people, or in earnest advocacy of emancipation. But I think I may, without immodesty, say that, in respect to emancipation, after all that has occurred, I have some title to offer advice, whether it seem worthy to be followed or not; and I shall certainly advise the friends of emancipation to follow no such counsel as that given by my colleague (Mr. Drake).

I should rather say, labor for the best method you can possibly secure. If you fail to secure the one you prefer, still strive to modify the action of this body according to your own convictions of the wisest plan; and, after doing all you can, accept the best you can get. Any method of emancipation adopted by this body is an immense victory for the cause of freedom. The failure to adopt any plan of emancipation by it, will be a most damaging blow to that great cause. If, after doing all that can be done, and securing the best attainable result, you still think the plan adopted will not be acceptable to the people, and will be reversed by them, still you will have done your duty, and may safely leave the consequences to God, and, under Him, to the people for whom we act.

I desire to guard against the unfortunate results that will flow from our deliberations if gentlemen adopt the same policy which my colleague proposes for himself. I see no possible good that can result if each member should set up his own opinion as the rule of action for the entire body, and resolve that he will yield nothing to the collective wisdom of all the rest. If that rule prevails, legislation becomes a farce, and our best plan will be to adjourn without day.

With an earnest desire to promote the tranquillity and prosperity of the State, and to save it from the evils which now prey upon it, and with a full determination to do my duty here, I shall make such concessions, as to matters of policy and detail, as may be necessary to secure the best possible scheme of emancipation this body will adopt; and being assured of the approval of my own conscience, I shall look for my justification and reward to the whole body of the loyal people of the State, and I shall return to my constituents with perfect confidence that they will approve the action I have deemed it my duty to take.

Mr. McClurg. Mr. President: It is with the greatest embarrassment that I rise immediately after the two eloquent gentlemen from St. Louis, but ask the kind attention of the Convention for about one-half hour only.

In the matter before us, no immediate good may result from anything I may say, other than that self-gratification which various members have seemed frequently to enjoy of placing themselves properly upon the record; but I hope for more. In doing so, it cannot be consistently charged by those familiar with my antecedents, that my object is personal. I have never been a public man in the ordinary acceptation of the term. I have given but a passive notice to minor public affairs, until brought before the public by these troublous times. But I have endeavored to not altogether lose sight of those great principles of right and justice, which should govern an individual in his relations to the immediate community in which he lives, to his State, to the General Government, and to the world.

Principles are undying and universal. They are, if correct, as enduring as God himself, from whom they emanate. They are inflexible; not to be bended into this shape to-day, to suit the views of this aspirant for office, nor to-morrow into that shape, to gratify the political aspirations of another. It is therefore here, where principles are involved, that I wish to make a record; here, to endorse in a prominent place those principles that will survive all conflicts, that will live after you and I shall have been swept away by the hand of death, amid the shock of arms or otherwise; a record that will endure after treason shall have been crushed and traitors shall have met the traitors' doom; an inheritance prized more highly by me than all the wealth sinews bought and sold have ever earned, or than the fleeting honors enjoyed by flexible politicians —a record that unborn freemen will appreciate.

You will do me the justice, I think, to believe I am sincere, and will express the true convictions of my mind and feelings of my heart. No member will be base enough to attribute to me wrong motives, unless he accompanies his remarks with my declarations or specific acts. I shall allude to the conduct of no one except of a public kind, and speak only of public acts and expressions, and from definite acts and language draw my conclusions as to motives. I shall not say this man or that is ignorant of his subject; it is childish so to speak. That is not an argument, and will be pronounced unmanly at the bar of public opinion, where there will be a correct decision; while we are on the onward march of intelligence and morality. If I be ignorant of my subject, he who makes the assertion should prove it by making the contrary position manifest. If one member presume that he can control this Convention, or the people of the State, and silence the voice of others by the dignity and influence of his position, and the weight of his character, then had we better place him in rule, and let it be perpetual to himself and his descendants. That kind of argument will not answer. We are here as peers, equals in one sense, each one having the same right as another to be heard, and no man's vote counting more than that of another. There is here no aristocracy except that of mind.

To-day, I shall express sentiments that, although a slave owner, I have entertained for years. I indulge feelings of gratification, that, as this question is forced upon us by a slavery rebellion, I am permitted to stand forth as one of the advocates of the cause of freedom in Missouri. A few very intimate friends would testify that my present sentiments, so far as they grow out of reasons of humanity and Christianity, I have entertained for years, and it has astonished me in listening to the discussions, that not one either of the present immediate, or future immediate emancipationists, so to speak, have alluded to the subject in this light, except only an allusion by Mr. Drake, and sentiments by Mr. Hitchcock. In past years, in looking forward to a period like the present, I anticipated much satisfaction, but little supposed the cup of pleasure would be mixed with the bitterness arising from civil strife. Therefore, as this question is forced upon us by the rebellion itself, I consider this one of the proudest hours of my life. Proud? yes; although I stand here in a minority. Proud of the platform on which I stand, of universal freedom—a platform sustained by eternal principles of justice and humanity. Proud, as an advocate of those principles that must universally prevail. Proud to say I am an emancipationist from principle; on the ground of humanity; of human rights, of morality, and Christianity; as favoring the greatest good to the greatest number, because tending to the restoration of peace; by discouraging rebellion in removing the cause, by cutting off the desire of the so-called Southern Confederacy

to annex free Missouri, and destroying all hope among ourselves that the rebellion may succeed to give a market for slave increase; by preserving the labor of those, who, under apprenticeship, would cause our uncultivated fields to yield reward to their labor, but who, from fear of being sold and continued in slavery, in case of emancipation at a distant day, will leave the fields of slave Missouri to produce thorns, in order to breathe the free air of Kansas, and aid that State to outstrip us on the west, in population and wealth, as Illinois is doing on the east.

While it is acknowledged that actions are sometimes induced by corrupt motives, it is not only our legitimate, but necessary duty, as public servants, to investigate the conduct and declarations of others, and place them in such position, that the true light will enable the public to approve or condemn.

Mr. President, I oppose the ordinance for immediate emancipation in 1876, so to speak, because we have come together under extraordinary circumstances, for an extraordinary object, in answer to an extraordinary call—when not expected or desired by the people, when not intended or desired by the majority of this Convention, when not designed by the Governor, that we should be the instruments for the removal of the curse of slavery. The scheme, therefore, conceived is not what the people want and demand, and not what the good of the country requires. Under what circumstances have we been called? While our country is in a state of war, as but too well attested by the drapery of mourning throughout the land; while our State is laboring under the effects of civil war, stagnant commerce, unproductive mills, uncultivated fields, and deserted homes; while conflicting views and feelings are causing those of the same blood to be arrayed, one against the other; while one portion of her citizens are laboring to place her in such position that a so-called Southern Confederacy will no longer wish for her annexation, and another to continue in existence an institution that all sane men now acknowledge to be the cause of this rebellion, and of the continuance of the conflict on Missouri soil; we are called at a time when such a condition of our country exists as never before; when the feelings of the people are aroused as never before on the subject of this rebellion; when the determined are becoming desperate, and declaring that forbearance is no longer a virtue, and demanding the destruction of traitors, and the removal of all obstructions to peace and prosperity; when the moderate each day are becoming more violent and determined to throw off their former tacit submission to the rule of the few, who are blind to the interests of the many; when the few, who have aristocratically ruled, are becoming alarmed lest even the relics of their departed greatness may disapear. It is at a time when the loyal masses, the bone and sinew of the State, have succeeded in making themselves heard in the declaration that they will no longer protect the remains of one rapidly expiring interest of a few, to the manifest destruction of all the substantial interests of the many; it is at a time when the masses are becoming radical and determined to uproot disloyalty and all that sustains it, even slavery.

Mr. President, we are called for an extraordinary object—"to act on the emancipation of slaves, and such other matters as may be connected with the peace and prosperity of the State." When convened at a time of war, when each succeeding breeze is expected to bring to our attentive ears the noise of cannon and the report of musketry; when convened in pursuance of a call, made 15th April last—at a time we were threatened with invasion, and the deluded adherents of Price were betaking themselves to their hiding-places throughout all parts of the State for their atrocious purposes—one would suppose the object would have been to devise some new measure to repel invasion, or some new plan for destroying secret enemies; but we are called to act on a subject —"the emancipation of slaves"—that might have engaged the attention of the patriot and philanthropist ever since the earliest days of our Commonwealth. This field has been before us our whole past lives, but until lately could not be trodden by the sacrilegious foot of a plebeian. Now we are invited to enter it. For forty years it has been almost unmarked by footprints; but now the gates are open, and we are required to enter upon the before consecrated ground. The object is extraordinary —"to act upon the subject of the emancipation of the slaves." The object is not more extraordinary than the language expressing it,—"and such other matters as may be connected with the peace and prosperity of the State."

It is only necessary to direct attention to the author of this language of our respected Governor, which I will do more fully after a while, and to the words themselves, to see their extra-

ordinary nature and significance: "Such other matters connected with the peace and prosperity of the State." What an important admission, coming from the high source it does, that slavery, against which the author of this language, less than four months before using it, said he had "no prejudice," is one "matter" connected with the peace and prosperity of the State! Is it not an admission that the institution of slavery, which has lain upon the peaceful bosom of the State for forty years, had been discovered to be prejudicial to her permanent peace, and detrimental to her true prosperity? There can be no other interpretation. What a commentary is this in itself, when we consider the high source from which it emanated, the time of excitement and general apprehension when it issued, and when we compare with it the language of the same author, June 13, 1862, which was virtually an invitation—an argument—to the Convention not to act upon the same subject. That language is this, "If the Convention, assembled from all parts of the State, is satisfied that in the present condition of the public mind, any proposition upon the subject of emancipation would produce excitement dangerous to the peace of the State, (the same word 'peace',) the statement of that as a reason for declining to act upon the offer of the Government ought to satisfy every person that such declension is not intended as any disrespect to any other body or officer." Also, "If, in the understanding of the Convention, it was not contemplated by the people when electing this body that it should ever act upon the subject of slavery in the State, and therefore such action would be improper, there can be no objection to assigning that as a reason for abstaining from action upon the subject, and leaving it for a different body."

Mr. President, we are convened under an extraordinary call; not because this Convention has not the power to act upon the subject of emancipation, but, in the first place, because the same Governor who made this call, in his message to this Convention, on the 13th day of June last, in defining the correct doctrine, as he was not ignorant of the subject, used the following language: "In theory, conventions are understood to possess all political power, but in actual practice they confine themselves to the measures upon which the people, at the time of their election, expected them to act. When this Convention was chosen, the subject before the public mind was the relations between the State and the General Government." "When, then, it is asked to entertain a proposition which is to effect a radical change in the social organization of the State, it is well warranted in declining to act upon the proposition (meaning emancipation) upon the ground that the people, in choosing the Convention, never intended, or imagined, that the body would undertake any social revolution wholly unconnected with the relations between the State and the General Government."

Mr. President, mark the language,—the people never imagined that this Convention would act upon the subject of slavery. This language is from the Governor, who lays down the doctrine that Conventions, "in actual practice," confine themselves to the measures upon which the people elected them. This same Governor has called this same Convention to act upon the subject of slavery, which it was not imagined, as in his language, they should act.

Secondly, sir, this is an extraordinary call, because it is convening the same body, who, on the 14th day of June last, on the subject of the proposition contained in a joint resolution adopted by Congress, and approved 10th April, 1862, giving aid to a State that should adopt the abolishment of slavery, declared, in a resolution, that "a majority of the Convention have not felt authorized to take action with respect to the grave and delicate question." Not authorized, of course, for the very reasons designated by Gov. Gamble in his message the day previous,—because the people had not imagined they would act upon the subject.

In the third place, this is an extraordinary call, because this same Convention, on the 6th day of June, 1862, by a vote of fifty-two against nineteen, refused to entertain "An ordinance to provide for submitting to a vote of the people of Missouri certain amendments to the Constitution, and a scheme for the gradual emancipation of slaves," when that scheme was merely that those born in slavery after the first day of January, 1865, should remain in slavery until arriving at the age of twenty-five years, and no longer, unless sooner removed from the State. We all well remember the wild scene of confusion produced in this Convention by the introduction of that ordinance of emancipation, so gradual, at that time, so wise, so just and humane, so far as it went. We remember we were informed by various members, that the subject had not entered into the canvass in their respective districts, and that therefore we should not act. Such was doubtless true with regard to the whole State. In the excited re-

marks attending the immediate action, (which cut off discussion,) we were told by an honorable member that the question "involved so many evils that it is our duty to use all our influence, here and elsewhere, to prevent the agitation of that question;" and, by another, we were asked, with no privilege of replying, "What reason exists that, at this particular moment, the measure must be thrust forward to divide and distract the friends of the Union?"

We might, with propriety, now ask what was there peculiar in the condition of the country then that does not now exist, which should have caused alarming excitement at the presentation of so humane and so gradual a plan, when that plan was to have been submitted to a vote of the people at the general election in the fall of 1864? There was nothing. It were wisdom to have passed that ordinance; to have allayed the storm; to have caused the troubled waters to subside; and, as I believed then it was self-evident, and so do now, I might therefore ask, were the remarks of the gentleman quoted not made, not from fear of excitement, but from fear that the cherished institution might be disturbed—but from the fear that the interpretation might be given to the handwriting upon the wall, and to negro aristocracy it might be said, "God hath numbered thy kingdom and finished it"? I might ask of those who have heretofore recoiled at the approach of this subject—those whose affections have been entwined around the institution by association, and interest, and education—what is there now that did not exist in June, 1862, to cause them to love the institution less, or their Government more?

I may then, Mr. President, very properly ask, are we—many of whom love the institution of slavery to such a degree, that, in fleeing from the curse that must inevitably fall upon us if we remain with it, we would venture to look back, to cast at least one look of fond remembrance upon the fair valley in the distance, containing the object of our affections, at the risk of turning to pillars of salt—the proper ones to put the power we possess into "actual practice"? Would we be expected to hasten the death of the condemned criminal? or would we more naturally be expected to administer antidotes to counteract the effect of poison already administered? Is a friend made the willing executioner to bring down the knife upon the neck of the beloved but devoted victim? Are friends more inclined to look complacently upon the emaciated countenance of a loved one when the eyes are assuming the glaring fixedness of death, or to administer stimulants to revive the vital energy? In other words, is it not the object in calling the Convention, to have antidotes and stimulants administered that the life of slavery may be prolonged to as remote a period as possible? According to all analogy it is so; indeed, there is reason to fear that the object may be to resuscitate and restore to full vigor this institution, by passing a system of immediate emancipation to take effect in the future, and by a repeal of the ordinance placing restrictions on the right of suffrage, and submitting the question of emancipation to the people after the rebels shall have returned from the army and bushwhackers from the brush, to become voters against it; thus defeating all schemes, and placing in power by rebel votes those of kindred sympathy; thus outraging the rights of a loyal constituency throughout the State. Have not such threats been made on this floor?

A large majority of the members of this Convention are slaveholders and proslavery in their feelings. This will scarcely be doubted. It has been here stated and not contradicted. How many are emancipationists from principle? How many of us are prepared to look at the questions involved in an emancipation scheme, from the high standpoint of human rights and morality? How many of us have said, as did our distinguished christian Governor, we "have no prejudice against the institution"; meaning thereby that those opposed to it are prejudiced? How many of us have said, in the language of a distinguished member and emancipationist, "we have on this subject no sickening sentimentality"? Can we truly reflect the feelings and sentiments of the people? Have we thus far in our debates? No. Have they called upon us to remove what they believe to be a curse, when we believe it to be a blessing? Are we the proper ones to prepare the way for the freedom of those we believe were born to be enslaved? to promote the welfare of a race that many of us denominate brutes?

In the fourth place, Mr. President, this is an extraordinary call, because it has not been made by a true friend of the cause of emancipation, but a friend of slavery. This may be a bold assertion, coming from one so humble; but, humble as I am, I can say, I ask no further than I am willing to extend, no man's favor, and I fear no man's frown, especially

when I know I stand on the same platform that supports freedom, that of truth and justice, and which will be upheld by a free and loyal people. I say he has not kept pace with the great moral reform that has been rapidly progressing on the subject of slavery; that he has not known how to eradicate from his breast those feelings of slave aristocracy he inherited in Virginia, and which have grown with his growth, and strengthened with his strength, until he can declare, in the face of enlightened Christianity, to the world, in this latter half of the nineteenth century, that, "as he has always lived in slave States, he entertains no prejudice against the institution." I ask, is this a day when we are to act from prejudice on this or any other subject? Are we to look at important questions involving the life of the State and Nation agreeably to our prejudices, or should it be in the view of enlightened reason? If Gov. Gamble look not at this question with a prejudiced eye, I ask to be pointed to one expression on the subject of slavery showing an enlarged, patriotic, philanthropic, christian view of a statesman. I defy you. Here, to our venerable and christian Governor we could confidently turn our anxious eyes for some lofty and ennobling sentiment on the subject, upon which to fasten our hopes in the dark hours of gloom, but none can be found. At the first session of this Convention we adopted his report as Chairman of the Committee on Federal Relations, and, in the then excited condition of the country, waived the objection that while it contained censures for the North, it spoke in sweet terms to the South, informing them that it was not politic for Missouri to go with them. But when we glance our eyes a little further, down to the time when in one of our darkest hours all eyes were turned to our present Governor, and on him all earthly hopes then seemed to centre as on one who should take the helm of our ship of state and guide her safely through the breakers, what is one of his first acts when slavery was the acknowledged cause of trouble? Was it to recommend a judicious system for its removal, to cut off the hopes of the secessionists? No. It was, on taking his position as Provisional Governor, this declaration: "The choice thus made of a temporary Provisional Government will satisfy all that no countenance will be afforded to any scheme or to any conduct calculated in any degree to interfere with the institution of slavery existing in the State. To the very extent of executive power that institution will be protected." Mr. President, mark the language — "no countenance to any scheme." Now we are called to act on a scheme of emancipation. Have we not reason to fear that now "protection" is intended to the very utmost of executive power and patronage?

Again, at the October Session, 1861, no scheme was recommended by the Governor, although our Generals were beginning to deal blows at this support of the rebellion.

Again, he is not a friend, as seen when we pass on to the June Session, 1862. Failing to recognize unmistakable indications of public sentiment, demanding some action for the removal of the curse, or showing to the world the ultimate free destiny of Missouri, he failed to utter one word on the subject in his message of June 2d, 1862, and failed as the chief executive of the State to pay even a hasty passing notice of respect to the proposition of the President and Congress on the subject of emancipation, although he alludes to troops having visited our State having feelings hostile to our institutions; and on the 13th day of June, he only requested a respectful refusal to act, after expressions of public censure, and the rejection of the Breckinridge ordinance in a manner so summary as almost to imply insult.

Again, Mr. President, as no adequate cause is assigned for the call of this body, which has heretofore summarily repudiated the scheme, is there not reason to fear that the call is made by a professed friend who has a dagger concealed? I say, no satisfactory reason given. To be sure it is said "the General Assembly clearly indicated a wish that the Convention should be called together." Were that the case I would not hesitate, but favor the best scheme brought forward. But I have seen no expression of such indication, and none such can be pointed out. Where is the resolution to that effect? where can it be found? what is the language? what the words of the preamble? If a minority can express the wish of the Legislature, then was that expression given; but, according to the old democratic principle, "the majority rule," the opposite is true. An attempt was made, but failed.

In March last, I was asked by the Governor my opinion, as a member of the old Convention, as to whether it would act on the subject of emancipation if the Legislature would indicate its wish that it be called for that purpose. I gave it as my opinion that it would pass, in that case, some kind of an

emancipation ordinance; that such an expression from the Legislature fresh from the people, after the discussion of that question, would cause the Convention to feel authorized, and that I favored some action on the subject; that if we could not take two steps, we could take one; that some move should be made in the right direction. The Hon. James O. Broadhead came in about that time: his opinion was substantially the same. We retired with the understanding that the sentiments of the members would be ascertained. In a few hours thereafter I was informed that about fourteen had been consulted, and that twelve were opposed and two favored the old Convention. There the subject ended so far as I had anything to do or say on the subject. I believe all the expressions of a public kind, in or out of the Legislature, have been in opposition to the old Convention, so far as I can see.

Again, that the Governor is not a friend of emancipation, but of slavery. I will allude to a meeting in St. Louis on the 12th day of January, 1861, at which Gov. Gamble was one of the orators, and at which a resolution was adopted containing these words: "That the possession of slave property is a constitutional right, and as such ought to be ever recognized by the Federal Government; that if the Federal Government shall fail and refuse to secure this right, the Southern States should be united in its defence, in which event Missouri will share the common duties and common dangers of the South."

In the fifth place, this is an extraordinary call, because it is in direct opposition to the Governor's doctrine as before set forth, and as in another place distinctly declared by him in relation to the election of members of Congress. In his message to this Convention June 2d, 1862, he says, "it is altogether questionable whether our plan of electing members of Congress, some seventeen months before they ordinarily take their seats, is wise. In times like the present, when new and startling questions are frequently arising, the representative who may be elected in August, 1862, may find all the questions with reference to which he was elected, settled when he takes his seat in December, 1863, and that new and more momentous issues have arisen since his election upon which his constituents have not expressed their will." Mr. President, may we not consistently ask, has a new question arisen since the election in February, 1861, of the members of this Convention? Is it not altogether questionable, whether the plan of electing members to the Convention, some twenty-eight months before taking their seats, to act upon a new and momentous issue?

Sixthly, this is an extraordinary call, because it is a notorious fact, if public prints be true, that some members of this Convention do not reside in their districts. They have not consulted their constituents on this momentous question, and cannot be supposed to truly represent their wishes. Why have they not? If we can believe the public prints as correctly publishing reports of meetings, it is because the loyalty of the members is questioned by their constituents, and therefore it is not safe to visit them.

Mr. President, for these reasons I contend that this Convention should not adopt the emancipation ordinance reported by the Majority Committee; better that a new Convention should be called to act expressly upon it. The issues, then, having been presented to the people, and discussed in fair and manly debate, delegates will come here truly reflecting the wishes of their constituents. No member here present will offer to contend that we can now reflect their will upon this momentous subject. The opposition will certainly not show the weakness of their cause, or virtually acknowledge it, by objecting to discussion: if slavery have anything to recommend it, we want the people to see it. We would then have no objection to any present member of this Convention being returned, as a convert or otherwise, if his constituents will send him. To be sure, we would prefer them converted, or even politic; for they may rest assured politic men might as well at once adopt radicalism, and aid in removing from our Statute Book and State Constitution the libel upon our United States Constitution, that "all men are created equal," and that "liberty is an inalienable right." The people are becoming radical on the subject of rebellion and slavery. The radicalism of to-day is but the moderation of to-morrow.

I wish it understood that I do not charge the Governor with insincerity or duplicity. I think he is plainly, boldly, carrying out a policy consistent with his principles which he has not attempted to conceal. He has acted openly; and why shut our eyes so as not to perceive the attempt to preserve the object of affection as long as possible? I have mentioned facts, and have quoted language, and if I have not drawn correct inferences I think nothing can be inferred

from language; if I have, I am justified by using public property in a public manner; and it will remain to be seen whether the public approve or condemn.

The people, at last, have to decide, and why deceive ourselves? Surely, we will not refuse to submit to the vote of the people any action we may take for adoption or rejection. Here, suffer me to explain, before I proceed to the close of my remarks, the reason why, a few minutes since, I voted to reconsider the vote on Mr. Woolfolk's amendment to submit the ordinance to a vote of the people in November, 1864: I did so that I may have an opportunity to vote for submitting it in 1863 to the people.

I wish to impress upon the minds of members the very weighty argument advanced by the gentleman from Shelby (Mr. Irwin) in favor of an election at a day in the approaching fall: "That gentlemen have stated, on this floor, that the passage of the ordinance reported by the majority of the committee would at once restore quietness and peace." If peace be restored, why cannot an election be held? I would also quote the language of Gov. Gamble, in his message a few days since to this Convention. He said, "the storm of regular war has passed far to the South. Adequate means to repress the outlaws who remain have been provided; Missouri is in no danger of being involved in the fortune and fate of the States in rebellion. Union men may regard all danger as past." As to the propriety and necessity of submitting our action to a vote of the people, I cannot command language so forcible as that used, in July, 1861, by the committee of eight, appointed by this Convention, in an address to the people of the State of Missouri, and of which the distinguished gentleman from St. Louis (Mr. Broadhead) was the chairman. I would remark that principles do not change; one that was correct in 1861 is correct in 1863. That language, *to the people*, was this:

"*Your* delegates desire that *you* (the people) shall, by *election*, fill these offices by persons of *your own* choice, and for this purpose they have directed, by ordinance, that *an election* shall be held on the first Monday in November. *Your* delegates judged it necessary that, in order to preserve the peace, (to preserve the peace in 1861, *hold* an election; but, in 1863, *abstain* from an election lest the peace may be disturbed!) and in order to arrest invasions of the State, that these executive offices should be vacated at once, and be filled by persons selected by *your* delegates until *you* (the people) could fill them *by election*. The offices of the members of the General Assembly have therefore been vacated, and a *new election ordered*, so that *you* may have an opportunity of choosing such legislative representatives as may carry out *your own views of policy*."

Comment on these quotations is unnecessary. We cannot ignore the people. They have the primary, sovereign power, and will take steps to call another Convention, through the Legislature, if we repudiate them, and will obliterate, except in memory, what we shall have done, and take such proceedings as demanded by the exigencies of the times. Let us therefore support the amendment for 1866, or call a new Convention, that the members may be elected upon the issues of the present day and truly reflect the present sentiments of the people, and not what they were twenty-eight months since, when the subject of emancipation but seldom entered the brain of even one man among a thousand. Let us beware how we run counter to the will of a law-abiding, but already indignant people. Let us be content to ride upon the present storm, which can be controlled, and not venture upon the sure but dreadful consequences of a whirlwind. Let conservatives reflect before they coalesce with avowed pro-slavery men, who here acknowledge they favor '76, not from principle, but from necessity. Let them beware lest gentlemen of undoubted ability place themselves in such position that their light will hereafter shine only under a bushel—lest they take a position so inconsistent with principles advocated by them as to stamp their character with insincerity. Let gentlemen be cautious how they connect the words radicalism and violence together on all occasions, with the evident intention of prejudicing the public mind.

I was, on yesterday, astonished even at the moderate, conservative, and ever candid gentleman from St. Louis, (Mr Hitchcock,) who could not, during his eloquent and very able argument, avoid an exposure of his abhorrent prejudice against the word radicalism, and implied denunciation by using with it, on various occasions, the word violence. He did, towards the close of his beautifully radical speech, which I endorse, remark that he meant the extreme radicals, none of whom were in this Convention—that he meant the violent fanatics. I was pleased at that declaration, and would ask him, and others, not to use such language in future as would imply that any member of this Convention (of those called radicals) is willing to override the Constitution, and violate laws.

I ask, then, in doing so, to point to some expression to justify such imputations.

I know not how to use more radical language than that used by Mr. Hitchcock. He believes slavery inseparably connected with the rebellion; that it is the *cause*, or the effectual pretext. He condemns it in a moral and christian point of view, and urges the necessity of taking it from those who make it a pretext to keep Missouri in sympathy with a Southern Confederacy. Now, I ask you to observe, after this most radical and excellent speech, if he will not vote with the very moderate, and conservative, and pro-slavery members who will support this ordinance for immediate emancipation, so to speak, in 1876? He says that "slavery offends the conscience of the moral and civilized world;" that "the judgment of the world is against it." Let such beware, lest the conscience of the moral community will be against those who will vote to continue in existence for thirteen years an institution the moral world condemns. He says "there can be no half-way ground in defending it;" meaning, of course, that a defence of it forces its defender to the extreme of rebellion. How, then, I would ask, can those who, from principle and the safety of the country attack it, stop at the half-way ground, without being driven to the opposite extreme? Why is it that the conservatives, in warring upon slavery, are willing to adopt the scheme approved by pro-slavery members? Why not unite with other opposers of slavery?

Again, I would ask pro-slavery members why it is robbery to deprive, suddenly, slaveholders of the right to sell slaves as chattels in 1864 or 1866, and not robbery to deprive them, suddenly, of same property in 1876? What will occur, during the next thirteen years, to change the nature of the crime? All the objections will apply as well to the sudden plan of 1876 as to the sudden plan of 1866. Why, then, is '76 preferred by pro-slavery men but that the slaves may be removed prior to the time when freedom would attach to the slave? It is not that the slaveholder may merely receive the benefit of the labor of the slave for the thirteen years. If that were so, he would be more willing to accept the ordinance which apprentices the negro for a term of years; which assures the negro that he cannot be sold and continued in slavery; which satisfies him, and induces him to remain willingly with his wife and little ones until such time as he and they may be prepared for more enlarged freedom; which secures to the owner the labor of his slave; whereas, in case of a distant day being adopted, kindred ties will not bind him, and he will go elsewhere to breathe the free air for which his soul has longing desires. The state of facts that would then exist is apparent. The able-bodied slaves will soon have gone to Kansas, or elsewhere; the old and young, decrepid and infirm will remain to be provided for by their owners. This will not be denied. Therefore, as I have said, pro-slavery men sustain the ordinance for 1876 that slaves may be removed to slave States before freedom shall have attached. I ask you, for a moment, consider the effect of this desire to remove slaves to slave States. Is it not to enlist the feelings and sympathies of pro-slavery men in favor of the rebellion? Is it not calculated to precipitate us at once into renewed excitement? Will it have touched the disease? Will it have amputated the mortifying limb? Are the hopes not now indulged that a repeal of the law can be accomplished before the expiration of thirteen years? Will disloyal men not be tempted to favor the right of franchise being exercised by the rebels in order to effect it? Will they not insist upon it? Has not Judge Hall of Randolph honestly and boldly informed us that he, and such as he, will resist, by all means in their power, what he regards as an unjust encroachment on their rights? What would be the best means to accomplish their object? Would it be to aid the Government in suppressing the rebellion, in conquering a peace, in subjugating the rebel States and enforcing the President's proclamation of freedom in those States, thus limiting the area of slavery and destroying the market for slave-growing Missouri? Would their supposed—their blinded—interest not at once incline their affections towards those whose feelings are congenial, and will they not unavoidably be led to cast their destiny with those who strive to believe they are resisting encroachments? Unquestionably they will.

For these reasons, I am unwilling to vote for the ordinance reported by the majority committee, that for 1876. For reasons so well set forth by Mr. Drake, I will vote for his substitute of November, 1866. This is a retreat from my first position. *Further I will not go;* and I have no doubt a *loyal* constituency will sustain me.

Mr. HITCHCOCK. I suppose it is evident to every member of this Convention that on the convictions arrived at during the debate will depend, absolutely, the action of this body,

whether it shall do any good, or refuse even to attempt to accomplish that good on which the hearts of the people are fixed. I had intended that this question should go to the vote without wearying the Convention with any further remarks, but I hope they will bear with me for a few minutes, while I express for myself, and for those who like myself desire the earliest practicable scheme of emancipation, the convictions which I entertain.

The question is, sir, whether we shall endeavor to do the best we can for the cause many have at heart, or whether we shall abandon the effort, and return home to face the consequences of our refusal. For one, sir, I shall not take such a position; neither inclination nor duty points out to me any such course. All through the State anxious eyes are fastened upon this body. Loyal and disloyal, alike, look to this Convention for a solution of their difficulties; those who desire emancipation as the right policy, and those who acquiesce in it as a necessity of the time, alike look to this body to do something which shall bring that peace so indispensable to the welfare of the State.

I regret deeply the course which the gentleman from Camden (Mr. McClurg) has thought it his duty to take in attacking Gov. Gamble. I do not see why emancipationists should deliberately set to work to prove that the aid that is offered ought not to be accepted, or that the good which the Government is prepared to do should be rejected. For myself I welcome any such aid even if I doubted the sincerity and earnestness of the Governor, which I do not. I should still welcome the important aid he is able and disposed to give in carrying out the evident wishes of the people on this question of emancipation. The gentleman from Camden seems to have come to the conclusion that in rejecting the proffered aid, he will be approved by his constituents; I can only say that I should not expect approval in consequence of any such action on my part.

The gentleman has honored me by referring to some remarks of mine; but his evident misconception of their meaning is but another evidence of that unhappy faculty which we so often see in the world, where many men seemingly prefer to be misled. There are those who are radical in the proper sense of that term; that is, those who look at the *root* of an evil, and endeavor to remove it by the appliance of the wisest measures which prudence and experience suggest. But there are those who suppose that no policy can look at the root of an evil but that which seeks to destroy it recklessly. The gentleman does not seem to understand the distinction; to which class the gentleman belongs may be a matter upon which he himself is satisfied, but upon which all upon this floor will form their own judgment.

The matter immediately before the Convention is the amendment introduced by my colleague from St. Louis, (Mr. Drake,) and the declaration made by that gentleman in presenting it. As a distinct proposition I shall support his amendment, because I desire that the measure to be adopted be for the extinction of slavery at the earliest practicable moment. The proposition with which my colleague accompanies his amendment, I sincerely regret. The prevailing feeling throughout this State, the necessity for some action, and the pre-eminent necessity for the peace and tranquillity of the State which the action of this body looks to, are, I think, reasons against the conclusions to which my colleague has arrived. For my own part I cannot regard them as either practicable, safe, or desirable. He apprehends that by taking any later date, the question will be left open to the possibility of a reversal which might defeat all. I am willing to grant all the force to which that apprehension is entitled, though I do not share it; but I utterly deny that his measure meets the case which he so particularly desires to guard against. He professes to stop the aperture through which the danger may come; but that which he employs to stop the hole contains the same danger. But the supposition in itself is a violent stretch of imagination, namely, that the Legislature to be elected in the summer or fall of 1864, may by some artifice, or treachery, or an arrangement, we know not what, be induced to pass, by a two-thirds vote, a measure utterly subversive of the action of this Convention with respect to emancipation. But is there any man who believes that the Legislature, elected, as that will be, under the prevailing convictions of the times, will, by any possibility, go by a two-thirds majority contrary to the convictions of the party whom the gentleman contends to be the majority of the loyal people of the State? The supposition is one which, when presented to me as a consideration for the sake of which I must abandon the present opportunity of doing a certain good, I cannot entertain for a moment. I should regard myself as false to the most sacred duty

devolving upon me, if I could be influenced to throw away the opportunity now before me by any such consideration as that. The gentleman proposes the 1st of November, 1866, as the date up to which he will be willing for slavery to continue in the State, because he believes there will be no certain danger till the second Legislature acts. He thinks it not unlikely that the first Legislature might attempt a reversal of our emancipation measure, and that the second Legislature, elected under the repeal of the test oath, will be such a Legislature as might not hesitate to pass amendments brought about in so remarkable a manner. But, sir, if this Legislature can be brought to pass a two-thirds vote in favor of slavery, they will not wait so long as the gentleman supposes to carry out their scheme against emancipation. They will pass such a measure on the very first day; they will repeal the test oath and call a Convention without delay, and the year before the date fixed for emancipation the whole thing will be undone. If, then, the danger he apprehends be a danger, my colleague's plan is insufficient to meet it.

Mr. DRAKE. I wish to remind my colleague, that while I said I would take a position that would guard against the possibility of repeal by the Legislature, I also said, in express terms, that I was willing to leave the whole matter to a new Convention of the people elected with the special view to this question being brought before them.

Mr. HITCHCOCK. I do not see that I misunderstood the position taken by my friend. I am willing to give all the force you please to the suggestion. The danger, if any, I contend, is in the action of the first Legislature, who might repeal the test oath, and elect a Convention by the votes of disloyal slave owners. But, sir, if I supposed that there was no other chance for emancipation, I might be disposed to take a step even upon such a contingency as this; the effect of which, I fear, will be to throw away the only opportunity we have of doing any good at all.

I have, sir, from long continued reflection, thought, that inasmuch as this evil ought to be met at the earliest possible day, it would be best to adopt some such ordinance as that proposed by Mr. Breckinridge. But there shall be no lack of effort on my part to secure the passage of an ordinance of emancipation at the earliest practical date; at the same time, in my own district, friends of emancipation who are as earnest as Mr. Drake himself, are alarmed as to the danger his position indicates. I have received letters since I came here deprecating division among emancipationists, and imploring me to do all I can to bring together those who, for whatever reason, desire a settlement of this question at the earliest possible moment. And may I not in justice appeal to gentlemen, more or less radical, more or less conservative, to concede something towards securing the peace of the State, and the avoidance of the dangers towards which we are at present drifting.

Pending the consideration of Mr. Drake's amendment, on motion of Mr. McCormack, the Convention adjourned to half-past 2 P. M.

AFTERNOON SESSION.

Convention met as per adjournment.

Mr. PHILLIPS. Mr. President: I came here with my path of duty well marked out, and with a fixed purpose not to participate in any discussion upon the great subject which called us together. But, sir, after the very remarkable speech of the gentleman from Camden (Col. McClurg), I feel that I should be false to myself, and false to the cause of truth and justice, did I sit silently in my place, and permit this most unprovoked and unwarranted assault upon Gov. Gamble to pass unrebuked. What means this studied and labored criticism of the Governor? The merits or demerits of his administration, or of his political record, are not properly before this body. The amendment of the gentleman from St. Louis (Mr. Drake) provides for the abolition in Missouri in 1866, and why is it that the gentleman from Camden has gone outside of the record and lugged in the political history and official conduct of the Executive? Is it not *forcing* an occasion to make a deliberate, premeditated bitter attack upon him? Is there not a purpose in all this? Is it a part of a conspiracy, systematically organized, to strike him down, as the most insurmountable barrier to this radicalism now so insolently stalking abroad in the land?

The gentleman, in his searching review, goes far back in the history of the Convention, and arraigns his Excellency for giving the assurance, in his official message or address, that he would not interfere with the institution of slavery, and that his election was an earnest of its protection. What of that? Was it anything more than what his position as Governor of

Missouri demanded of him in view of the painful anxiety of the public mind then upon that question? Was it anything more than the constitution and laws of the State, which he had sworn to support, commanded him to say and to do? Has it come to pass that in this American land of written constitutions and laws—which are the bulwarks and safeguards of the liberties of the people—that the Executive of the State is to be arraigned for declaring his purpose to observe them? Verily have we fallen upon strange times!

Has the Governor violated this pledge, that he should be accused of insincerity? Has he departed from this record, that he should be tried before the bar of public sentiment for inconsistency? I don't understand that, forsooth, he calls together this Convention to consider the propriety of adopting an ordinance of emancipation, that he is either officially or individually interfering with the institution of slavery, or altering his purpose as originally declared. In view of our complications, the attitude of slavery, and the imperative demand for action on that subject, he calls together this Convention, representing the whole people of the State, and *refers* the matters to them for such action as in their wisdom and judgment may seem best in the premises. He leaves it altogether with the people speaking and acting through their delegates here assembled.

The gentleman arraigns the Governor for language used in his message to this Convention in June, 1862, calling attention to the proposition of the President of the United States, recommending a joint resolution by Congress declaring its willingness to aid Missouri in a measure of emancipation. Now, the gentleman does the Governor injustice when he attributes to him language asserting the proposition that this Convention had no authority to act on the subject of emancipation. What is the language of the Governor? Here it is:

"If, in the understanding of the Convention, it was not contemplated by the people, when electing the body, that it should ever act upon the subject of slavery in the State; or, if the Convention believes that the public mind is so agitated already that the proposal of any scheme of emancipation would produce dangerous excitement, there can be no objection to assigning either as a reason for abstaining from action upon the subject, and leaving it for a different body or another time."

The quotation is a refutation of the charge. Mark the language — "If, *in the understanding of the Convention,*" not as *his* understanding. Again, he says, "leaving it for a different body or *another time*"—for the action of this body of course. That time has now, in his judgment, come, and he calls us together. But what right has the gentleman from Camden to assail this record? Let me warn him of the little glass house in which he lives. The second resolution of the series introduced by the majority of the committee upon this very subject virtually reiterates the idea of the Governor thus: "That while a majority of the Convention have not felt authorized to take action with respect to the grave and delicate questions of private right and public policy presented by said resolution, yet," &c.; for which resolution the gentleman himself voted. (See Proceedings of State Convention, June, 1862, pp. 45 & 47.)

Again, what right has *he* to assail the Governor for past inconsistencies, errors, or to accuse him of an attempt to perpetuate his gubernatorial life in opposition to the will of the people? By reference to the journals of the same session, p. 32, I find this resolution, offered by Mr. Dunn: "*Resolved*, That this Convention has undiminished confidence in the ability, integrity and patriotism of Gov. Gamble and the other officers of the Provisional Government, elected by this Convention at a former session," &c., which resolution was *unanimously* adopted; and the gentleman from Camden was present, voting. What new light has since broken upon his moral vision, that to-day he beholds no virtue, where then he saw in "undiminished" lustre, "*ability, integrity* and *patriotism*"?

Hear me further. By reference to the proceedings of the same session, page 32, it will be seen that the same "pink of consistency" voted for the ordinance continuing in office until August, 1864, and until their successors should be duly elected and qualified, the present Executive and other provisional officers.

Then, sir, if indeed there be any wrong inflicted upon the rights of the people by continuing the Provisional Government and withholding from them the elective franchise, he must share their condemnation, for he is responsible for it. These little records are handsome and interesting little things, and prove that even a Congressman may fail of consistency as well as a Governor. The gentleman glories in being an Abolitionist *per se*, and places his claims to the honors of emancipationism upon high philanthropic, christian grounds, and fain

would read out of his party every man not similarly afflicted with this sickly sentimentalism and humanitarian hydrophobia. Let him apply the test, and he will find himself a lone and melancholy chieftain, who will have to look to distant States for his clansmen. He would read out of his party, and drive from his support, such men as ex-Governor Stewart and the gifted Drake of St. Louis. They, sir, were, but a short time ago, "bright and shining lights" in the "*great Dim-o-crat-ic party*," and were therefore the great exponents of sound pro-slaveryism. Like the spirit of the revolutionists of Missouri, of which he is so fit a prototype, the gentleman would erect a bedstead, Procrustes like, which, to make every man fit, he would draw some to the proper length, and others he would hew off. We are willing to become guests of the gentleman if he will accommodate his beds to our *size*, nor are we fastidious or hard to please.

The gentleman criticises at length the Governor's proclamation in calling us here, and makes to our action upon the subject of emancipation the legal objection that it is not within the powers granted in the act organizing the Convention, nor was it contemplated by the people delegating us hither that we should act upon any such matter. When did he make this discovery? Is he not precluded and estopped again by his record in this body? By reference to the same June session of 1862, it will be seen that he voted against tabling the ordinance of emancipation offered by Judge Breckinridge from St. Louis. And I would call attention to the gentleman's explanation of his vote thereon, to be found on page 253 of the proceedings of said session. He says: "We were called together to consider the relation of this Government to the General Government, and to transact and perform all things necessary for the direct und vital interests of the State —of the whole State. This will not be denied—not for the supposed interest of a few slaveholders. We have acted upon a revenue law, and could very properly have taken up the subject of emancipation, to be presented to the people, for the reason that our credit as a State, and, I might say, individuals, depends upon it."

If, in June, 1862, we "*could very properly have taken up the subject of emancipation*," why is it we cannot to-day "very properly" take it up? What mutation has occurred in our organic act, within the past year, that we cannot now lawfully do what then we "could very properly' do?

Did not the gentleman, furthermore, vote for the deposition of Claib. Jackson? And will he say that the exercise of such a power by the Convention was ever dreamed of by our constituents when they voted for us? Without inflicting this body with any argument touching the well-admitted fact that such a Convention as this is the creature of the residuary sovereignty of THE PEOPLE—representing the Amphyctionic Council of Greece, where the whole people were required to vote—I will simply content myself by invoking the act itself of the Legislature, from which our right to act in the premises is clearly deducible. The fifth section of said act, in defining what we were to do, says we "shall proceed to consider the then existing relations between the Government of the United States," &c., &c., "and to adopt such measures for vindicating the sovereignty of the State, and the protection of *its institutions*, as shall appear to them to be demanded." Is not slavery an institution? Indeed, sir, it is styled, throughout the country, as "*the peculiar institution*." Property, unquestionably, is an institution, and as, under our laws, slavery is property, it is an integral part of, or belongs to, the classification of the "institutions" of Missouri. Then the next inquiry, in the progress of this argument, is, is there a demand for the adoption of any measures for the protection of this institution? The speeches of gentlemen on this floor, friendly to the cause of emancipation, sufficiently answer this inquiry. They contend that slavery is the cause of the war; that it encourages rebellion; that it invites invasion; that it fills the country with guerrillas, and lines the public highways with the bushwhacker and assassin; that it endangers the security of all other property by reason of these things; that the only tenure by which slavery can be held for any time in the future, is the adoption of an ordinance of emancipation at once, promising him one day lawful freedom, thereby removing the inclination to flee from his owner. Surely, then, there is a demand for action. Some measures should be adopted for the protection of the "*institutions*" of the State. If emancipation will accomplish the things claimed for it, the conclusion is overwhelming that authority, full and sufficient, is granted us, in this fifth section, to emancipate the slaves within our borders. I presume, Mr. President, that all this clamor about our authority would never have been heard had the radicals supposed they had the *numerical strength* in this body to pass an ordinance of *immediate*

emancipation. This outcry against our power is but the echo of that raised by the Secessionists in 1861, when we hurled from power Jackson and his traitor consorts. The Convention then, securely poised upon its constitutional authority, withstood the traitors, and I doubt not but it will be able to withstand the sallies of the revolutionists.

Those same traitors of 1861 denounced, in the most unmeasured terms, the man who, to-day, has been the victim of such bitter invective from the gentleman from Camden. His administration was then contemptuously dubbed the "Gamble dynasty," and the "Gamble usurpation;" and the gentleman and his ilk, inspired with a kindred feeling toward a man whom they may despise, but whose virtues they cannot imitate, catch up and shout forth the same billingsgate. Well do I remember, Mr. President, the occasion of the installation of that man as Provisional Governor of Missouri. It was a dark day in our country. The disaster of Bull Run was just received, and was oppressing the heart of every Union man in this hall. Missouri seemed indeed to be in her travail. The red fires of secession shot their horrid flames from every hill-top in the State, and the slogan of war echoed in every valley. The Convention members were burnt in effigy; their homes were pillaged and sacked by the infuriated bands that ranged the country, breathing threatenings, vengeance and slaughter against every Unionist.

It was, sir, amid scenes like these that all eyes and hearts turned to the christian, patriot, sage and statesman, who has been assailed so virulently here to-day. At the sacrifice of all the feelings of his old age, which sought, as it needed, the repose of domestic life, he yielded to what he conceived to be the demand of the loyal voice of Missouri and the welfare of her people. And well do I remember, as he spoke so feelingly and tearfully from that stand, evincing in every emotion and sentiment the self-sacrificing nature of his patriotism, and an ambition that knew no higher glory than the good of his country. His past life shows that he craved not office. Blessed with plenty, he needed not its emoluments. Its honors could not add a single laurel to the bright wreath that encircled his brow. Towering up in our midst a mountain of intellectual light and grandeur—a beacon light to guide the rising generation in the sure way of glory—he needed not the elevation of official position to enable him to command attention and respect. No man within the broad limits of Missouri challenges our undivided admiration and unbounded confidence as does Hamilton R. Gamble. That he has committed blunders in his administration, or inflicted injury somewhere, may not be denied. But who among us is infallible? What man among us, placed at the head of a Provisional Government, just emerging from the bosom of the tempest of treason, in which the abdicated government of Jackson had left it, could have given shape, character and power to this improvised government as did Governor Gamble? Think of the troublous times in which he has acted—the State convulsed from centre to circumference with the shock of armies; the spirit of revolution, rebellion and outlawry everywhere running riot; corrupt and villainous men creeping into official position in every department, civil and military, to be either restrained or ousted by the Executive. Where is the man who could have done so well as he? And who would not have had a yelping pack at his heels?

The vigor, the energy and wisdom of his administration are everywhere visible. He found the State in chaos and anarchy, overrun with rebel armies and banditti; the arm of the civil law paralyzed; courts disorganized; circuit judges had quit the bench; sheriffs had failed to execute process; justices failed to take the oath; and all had fled to rebeldom and were preparing to overrun the State with conquering armies. The battle of Wilson's Creek was fought and lost. Lyon fell, and with him, it seemed, had gone the hope of Missouri. But as true to his country as was William Wallace to his Scotland, the brave old Governor unfurled that banner (the speaker pointing to the flag), glorious emblem of our nationality, before whose red stripes treason fled aghast, and beneath whose starlight folds the masses soon rallied and found security and repose in its healthful shadow.

Look at our ten thousand Missouri State militia, effective, working, the pride of the State, organized as volunteers, equipped, subsisted and paid by the United States Government; the offspring of a judicious arrangement effected by the prestige and influence of our Governor with the President. See your fifty thousand enrolled militia, with their bayonets gleaming in every sunbeam on our borders, standing forth as the palladium of the State, organized under the policy of the Governor. Civil law again asserts its rightful empire. The circuit judges and the justices are in their

places, administering justice and pronouncing judgments; sheriffs and constables and assessors are at their post—the whole machinery of civil government, in most parts of the State, is in full motion. He has, in fact, brought order out of confusion, and rule out of misrule. True it is that in all these he has had the co-operation, support and sympathy of loyal men; but his patriotism prompted, his genius directed, and his courage applied the means.

In view of his sacrifices, his efforts, and his successes, after he has breasted the storm of treason, is it not a burning shame that his old age is to be made unpleasant by the railings of those who should be his friends? Not content that he should be a patriot, they demand that he should be a *partisan!* It, sir, is Governor Gamble's glory that, amid the throes and convulsions of a rebellion so pregnant with evil and temptation, he has risen above the tumult of the storm, and, with a serenity of countenance and calmness of judgment unmoved and unswerved by faction or party, surveyed the scene, avoiding Charybdis on the one hand, and Scylla on the other.

He is the right man in the right place; and shame and confusion to every man who would attempt to rob him of his crowning glory, by heaping maledictions and anathemas upon his gray hairs, now ripe for the grave.

> "Low may they sink to merited contempt,
> And scorn remunerate the mean attempt."

But if fall he must before such attacks as have been here made upon him, may some poet rise and sing anew,

> "The eagle, towering in his pride of place,
> Was by a mousing owl hawked at and killed."

Mr. McCLURG. I certainly have been very unfortunate, in the choice of my expressions, not to be understood by the gentleman from Pettis, who accuses me of having raised a legal objection to our action upon the subject of emancipation. In my remarks this morning I took no such position. I distinctly said that this Convention had legal powers to act upon this question, and I merely gave the argument of Governor Gamble in June, 1862, and compared it with his present record. As to the taunt that we are but echoing the secession outcry, that has no terrors for me. I am well acquainted with twenty-five counties, and I can inform gentlemen that the cry that comes up from those counties is a Union cry—it is a loyal cry of dissatisfaction.

GOV. GAMBLE. I will now take this opportunity of saying to the Convention that which I have heretofore been prevented from saying by constant engagements. I have not had the facilities for writing and delivering written speeches which many of the gentlemen here have enjoyed. From the time I rise from breakfast to the moment I get here, I am incessantly occupied in the transaction of the Executive business of the State. While, therefore, my remarks may lack that finish which has graced the orations of many gentlemen here, they will at least be the honest expression of my feelings upon the subject now before this Convention.

Gentlemen on both sides of this question of emancipation have undertaken to criticise my course in respect to this important question. Those on one side, who favor emancipation, ought at least to experience some satisfaction in the fact that my opinions have changed—whether under the influence of their eloquence or otherwise, they ought to be gratified—and being on their side, they will at least have the weight of one additional vote. Those who oppose emancipation assail me for this change of opinion, and some denounce it as a violation of my pledges. It is probably not a matter that would enlighten this Convention, were I to speak of my recent opinions and speeches; but it may be a matter of interest to know how greatly mistaken some gentlemen have been, who have undertaken to criticise my course of conduct during the administration of affairs with which I have been entrusted by the people of Missouri.

The first charge made against me, I believe, is that I entered upon the duties of my office as Governor of Missouri as a distinct and avowed pro-slavery man. The ground for that charge is certain resolutions that were adopted at a public meeting held in St. Louis, January 12, 1861, at which I spoke. On the 11th January, 1861, the day before that meeting, I arrived in St. Louis, after an absence of several months in Pennsylvania, where my family was staying. I knew nothing definitely of the state of feeling in St. Louis on the all-absorbing topic which then agitated the public mind, till, being in the neighborhood of Philadelphia, I saw from the newspapers and heard that the people in St. Louis were talking about secession—that, in short, the people were all on fire. I said I will at once return and help to extinguish it. It was under those circumstances that I returned to St. Louis. When I

got there, I found the whole city in commotion. The landlord at whose house I stopped seemed really frightened. Soldiers were in possession of the Sub-Treasury and the Post Office, the streets were full of citizens, and there was a general agitation. As soon as possible I went out in the street for the purpose of seeing what was going on. My arrival seemed to give satisfaction to my old friends. Company and sympathy seemed doubly good in those troubled times. In the evening I was met by a friend who told me there would be a gathering of some gentlemen at a private house to consider the then state of affairs, and he said something—I do not remember what—about a resolution, and concluded by asking me to attend. I went without any definite acquaintance with the public feeling, and without any knowledge in the world of the relations that the gentlemen who were there bore to any public movement. They were all avowed Unionists. I was there simply as a spectator. I found that the committee were prepared to make a report; they had had, I suppose, a previous meeting. I was unprepared to take any part; I was simply a spectator, and not familiar with the resolutions that they had prepared, ready to be introduced. There was one resolution, I remember, about a Convention, and that, I distinctly remember, struck me very unpleasantly, because every Convention that had been called up to that time had resulted in taking the State out of the Union. Nevertheless, these gentlemen seemed to know better what was the condition of public feeling than I did, and they thought they knew the proper course to be adopted. I understand it is on one of these resolutions that I am assailed, as if I had drawn it, and as though it was a subject upon which I am pledged. I, in fact, made a suggestion to alter a resolution, but it made little impression upon me, and I cannot now recall the particulars. I saw I was regarded as one who, perhaps from being so long absent, did not understand the subject. I was asked to make a speech the next day. I replied that I had been two days and nights travelling, and was ill prepared to make a speech; but as they urged, I said I would attend and show them one grey head in favor of the Union. Now, gentlemen, take the speech I made, and see if there is anything which I then uttered from which I depart now. One of the resolutions avowed that unless the General Government guaranteed protection to the slave property of Missouri, Missouri would unite her destiny with her sister States of the South. If you will look at your own proceedings at the first session, to a proposition that was made by Dr. Bast to amend a resolution as reported by a Committee on the Relations of the State with the Federal Government, and which was altogether a much more reduced form of expression in favor of slavery than that which was said to have taken place at the meeting I attended, you will find that I voted against that. When I act, gentlemen, it is only after an examination of the subject, and with deliberation, and I act then according to my best reason, and in accordance with my conscientious convictions of right.

Some gentlemen are disposed to talk about my proclamation of the 4th of August, 1861, in which I say that nothing shall be done prejudicial to the interests of slavery, and that the institution shall be protected to the utmost extent of Executive power; and this, it is said, is an avowal of ultra pro-slavery views on my part. Let gentlemen go back to the time that was written. When this Committee met in 1861, this room was not so well filled as it is now, in June, 1863. Some of these gentlemen would not have felt so safe in their places here as they do now. What were the circumstances then? Why we were abused and denounced as Abolitionists, and they who sought to take this State out of the Union used all their influence to excite the public mind against this Convention, and lead astray those who were excitable by representing this body as Abolitionist, its object being to destroy slavery in the State. That was the condition of affairs at that time. Those of you who can recur to that time will remember that it was under those circumstances and in that condition of public feeling that this proclamation was issued. And what was one of the main features of the proclamation intended for, but to disabuse the public mind on this vital question, and thus to raise up a barrier against the attempt of those who were endeavoring to excite the people against us, and array them against us, and against the General Government and the Union. It was issued and addressed to the people of the State of Missouri, for the express purpose of disarming the slanders of our enemies, and assuring the people of the State that the Constitution and laws of the State would be sacredly observed and enforced by the Executive. When you wish to know the design of the language employed you should recall the persons to whom it was addressed

and the circumstances under which it was used. It was issued, I repeat, to disabuse the minds of those who were likely to be excited, and in their excitement to be drawn away from the support of the Union, and to be arrayed against the Convention and all who were avowed Union men. What did it promise? That the Executive power should be used to the utmost extent to protect slavery. Was it not my constitutional duty to say, and to see that the laws of Missouri should be faithfully executed? What are the laws of Missouri to-day? Are they not such as to protect the rights of every person who is a slaveholder? Is not that the substantial provision of the law in relation to slavery as it stands to-day on the statute book; and had I not sworn to observe the Constitution of the State, and to see that all the laws were faithfully executed? What was I to do but to protect all persons in the State, to the extent of the Executive power, in their persons and in the enjoyment of all their rights guaranteed to them by the Constitution, slavery, of course, included? That was my duty then; but should you pass an act of emancipation, and enact a law abolishing slavery, I would, as it would be my duty to do, as faithfully enforce obedience to the new law. I say, therefore, that the gentleman has hunted round in vain to find in that declaration anything more than a determination to protect the rights of the slaveholder as far as it was my sworn duty to protect them. There are those who, having lost a negro or two, would have me go to war with the Federal Government. Their rights, perhaps, had to this extent been violated, but was that a sufficient cause to assume the terrible responsibility of waging war upon the Government that had so long and so faithfully protected us? I think, too, I had a larger view of the capacities of the Federal Government than to think it was to be so readily overcome; and even had I supposed it was in our power, I should indeed have been slow to make war upon a Government that had so long been affording us the benefit of its support and protection.

I felt a great reluctance to engage this State of Missouri in strife, because some man's negro was taken from him. There are men who, possessed of a sort of chivalry, that would make them, after examining what they can find as to the letter of their rights, run their heads against a stone wall and knock out what brains they have, because they are in pursuit, as they think, of some right. This is not how nations act, even where they are separate nations. The case of Ingraham and Costa has been mentioned as a case of great promptitude, where the rights of a citizen were promptly asserted; but let us recur to the war with Great Britain arising out of her impressment of our seamen, and the violation of the rights of neutrals. For some years before 1812 there was a constant complaint made against England on account of the very cause for which we at last went to war; but we tried everything else first. And I have been trying what I could, to the extent of my ability, to stay these complaints, and I think these complaints will not be so great as they have been. [Cheers.]

This is the manner in which criticisms have been made on my relation to this question of emancipation.

I have said to the Legislature what I have said to this Convention. I have said to the Legislature that the interests of this State demand that there should be some course of emancipation adopted. I have called you here to consider that subject; and here, I understand (for I have not had the pleasure of hearing most of the speeches), it has been intimated, though perhaps not expressed, that I should have allowed the Convention to die, as it ought to have done, in July. I say, in reply, that it is necessary that something of this kind should be adopted: necessary for the development of the resources of the country, necessary to get rid of internal strife, to place ourselves in an attitude to receive support from the General Government, which is bound to support us as we are bound to support it; a measure in reference to slavery, necessary to the slaveholder, to each individual and to the State.

This Convention is called in this city that there should be emancipation—*that there shall be emancipation.*

It is said that this is in conflict with the communication I made to this body last session. What is that communication in its general scope? I say that an answer is demanded to the offer of the General Government. The present position of the question here is such that you cannot act upon it; and why? Because you have laid it upon the table, which is a final disposal of the subject. I state reasons which you might assign as reasons for the course you adopted.

The suggestions offered were made for the benefit of the Convention, and to make a

courteous answer to the President and to Congress.

I have called this Convention together that there may be some action taken on emancipation. I have my own opinions of what is best, but, in my judgment, there must be action; the best interests of the State demand it; and I am willing to receive any action that, in your judgment, is best. I am in earnest.

If, after having exercised my best judgment upon this subject, I have called this Convention together for the purpose of action, and it should separate with the expression of a contrary opinion, or without adopting any scheme of emancipation, I would not feel myself at liberty to continue in the exercise of the Executive function. I would feel, as a Minister in England, when a proposition of his is voted down in the Commons, that it is a denial of the correctness of his judgment as to the proper policy of the State, and *he resigns at once;* so I would not feel at liberty to continue in the Executive office if the Convention did not pass some scheme of emancipation, because it would be a judgment adverse to what I think should be the policy of the State.

I understand that the proposition that is before this body is to insert November, 1866, instead of July, 1876. There are a great many intermediate points between 1866 and 1876. It is my own belief that there is a better point than either, and when it comes to that point I am ready to support it with all the power I have. In regard to the selection of the time, it is an exceedingly difficult thing to decide; there are many interests to be thought of, many considerations and calculations to be entered into, while all may agree upon the great subject. The interest of the master is to be considered as well as that of the slave. We must have no such Utopian notions as that by breaking off his shackles the slave becomes an angel—becomes at once an intelligent man, capable of sustaining himself under all the trials of life. Do not fall into such a notion as that. Everybody who has ever seen five negroes together knows better than that. Act upon the subject as you know it to be; so that it may promote the greatest amount of benefit to all concerned.

The propositions that are made for emancipation between this day and 1866 do not give time long enough for undergoing the preparation necessary to give the slave the ability to take care of himself; to a negro who has been thrown suddenly from under the direction and counsel of his master and mistress to rely upon himself, it is not sufficient time to give them the instruction and training they need.

Your own children are not treated so; and the negro still more needs the advantage of direction and guidance. Take the number of young persons under twelve or fifteen years of age, are they to be paupers? How are they to be trained?

Mr. DRAKE. Will the gentleman allow me to say that I stated, when I made that proposition, that I should couple with it and should support a period of apprenticeship for seven years.

Gov. GAMBLE. One thing at a time. The motion before us is for 1866 as the time for absolute emancipation; and if the apprenticeship clause is lost, it stands as absolute emancipation in 1866—that is, as it will stand upon the vote; and if there happens to be, as I think there will be, a majority against a system of apprenticeship, you are in for 1866 absolute. So that if a proposition is to come here as a substitute for 1876, reducing it to 1866, with an apprenticeship, let us take it as one and vote for it.

The question now before the Convention is whether we will take 1866 as the period of absolute emancipation. Is any one prepared for that? None but those who say, "Let us have it immediately, if not sooner." But if there is any one here who looks to the preparation of the slave for his freedom, and who has any regard for the real welfare of the slave when he shall be emancipated, I apprehend he will say that 1866 is not the time for emancipation.

I do not intend to offer it now, as it would not be in order; but with your permission, sir, I will read an amendment which, at the first favorable opportunity, I intend to offer to the report of the Emancipation Committee. It is as follows:

Amend the amendment by striking out the second section and inserting in lieu thereof the following:

"Sec. 2. Slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth of July, in the year eighteen hundred and sixty-six; but all slaves emancipated by this ordinance shall remain under the control and be subject to the authority of their owners, as servants, during the following

periods, to-wit: those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, in the year eighteen hundred and seventy-four."

Now, a word as to the necessity of some action upon this subject. There have been many considerations addressed to this House, *pro* and *con*. One I remember to be, that persons who own slaves, who have brought them here or came here with them, came under a direct contract, and with the understanding that it was written in the Constitution of Missouri that there shall be no act passed by the Legislature to emancipate slaves without the consent of the slaveholder, and without making full compensation, and that no scheme shall ever be enacted that in any way interferes with the rights of the slaveholder.

There is, I think, a ready answer to that special kind of argument. I think, sir, when a man came here with his slaves he comes here under the Constitution, and that says that the owner shall be protected, that his slaves shall not be taken from him without adequate compensation, and so on; but the same Constitution says the people have the right, should they so desire and determine, *to change the Constitution and form of government*. Have the people bound themselves never to change their form of government in respect to slavery? Is there anything in the Constitution of Illinois why that State should not, if its people so determine, become a slave State? There is nothing said why we may not change our Constitution, if we so desire; and there is nothing said in relation to slave property stronger than applies to other property and other rights; and the man who comes here with his slave property comes here with the full understanding that we have the power and the right to change our laws in this respect if we choose, and he has no right to complain if we do.

What, now, are the circumstances under which we are to act in reference to slavery? We are not to regard it as it would have been our duty to do five years ago, when we were in profound peace. It is not now to be regarded or treated as a question of fancy or experiment, that having tried slavery, we were now disposed to try freedom. That is not our condition. We are at war; part of our State has been deserted. War exists between the slaveholding and the non-slaveholding States. Slavery is yielding to that power every day, *and slavery will be destroyed by the war*. That being the case, shall we sit idle and discuss the question as though it were a matter of taste whether we shall hold slaves or not? Can we, for instance, discuss this question as we might have done in 1840? Would the arguments that might have been pertinent in 1840 be considered in place now? The importance of the question increases every day; and when a person's judgment or opinion shall be quoted for five, or three, or one year back, as differing from his opinion of to-day, it only shows that he has kept up with the progress of events occurring around him.

There is a certain character of mind that forgets, what was once denied, that the earth *in its orbit does go round the sun*, and insists that nothing shall be different now from what it was fifty or one hundred years ago. That is not the mind to consider the way in which affairs should be managed in the hurricane and storm in which we have found ourselves. We must adapt our action to the present condition of affairs, in order to accomplish the greatest possible amount of good under the circumstances. What would it be to me if any gentleman said I had been a pro-slavery man? Why, I would claim the greater merit for being able to perceive that, in the present condition of affairs, whatever I had of prejudice of birth or training, I yielded to the force of circumstances, and adapted myself to them. When people talk of my having been a pro-slavery man, it goes by me—I regard it not. I act as I do because the interests of the country demand it. Your own interests demand it; the interests of the State to which you belong, and for which you are acting, demand it.

I am not here to utter curses against slaveholders—to send Washington or Jefferson to hell because they had slaves, or to say that they had no spark of humanity about them because they owned slaves. I have to say only this, that there is a necessity, and that teaches you, sir, and every one in the State, that emancipation is needed; and having settled this, here is the place where wisdom is needed to adjust it to the interests of all persons concerned. It is wise to consider the interests of all. It is wrong and unwise to let any fourth of July orations or declarations of independence get into your heads, so that you must have the shackles of the slave knocked off at once, and the people thereby turned into

wretchedness. Take things as they are; if there is any crime or sin about slavery, it belongs to ages past.

I say, therefore, that the proposition for 1866, as it stands here, is entirely too soon, either for the interests of the master or the slave, or for the benefit of the State.

I now leave the question to the Convention, for them to act upon through all its different stages; and if they use wisdom, and caution, and prudence, and an eye single to the accomplishment of the highest good for all, a disposition not to insist too strongly upon our own feelings, and with an utter repudiation of party feelings and party action, they will look alone to the good of the State of which we are members, and with the destiny of which we are entrusted, and act as for God and our country.

Mr. DRAKE. The remarks which have been made by my colleague, who has just taken his seat, do not change the position which I took this morning in a single particular; and I desire to adhere to that position resolutely and firmly, let the consequences be what they may. [Mr. Drake here reiterated the main features of his argument in the morning, for the benefit of the Governor, who was not present.] And now I call upon my venerable colleague to come to my position, as to time. His proposition, as he read it to the House, is only eight months and four days after mine. I take my position to secure a definite result—a result which every man in this Convention can appreciate and understand fully, whether pro-slavery or emancipationist. There is a principle of action in the selection of the day I have named; but I know of no principle of action which points to the day my colleague has selected. I secure something by my date; he secures nothing by his date that cannot just as well be secured by mine. Then, when I prove to his intelligent mind and matured judgment, growing out of the experience of more than three score years, that a tangible benefit, a direct advantage, does occur from the selection of my date, I call upon him to take his stand upon that date, with his system of apprenticeship, or some other. What, I ask, is gained in the way of preparing the negro for freedom in the eight months and four days? My colleague will not say, nor will any other gentleman say, that eight months and four days, in the development of human character, amounts to anything at all, except in matured minds developed under such fiery circumstances as surround us now. I say, therefore, if my venerable colleague will assume the position I desire, the work may be done, and emancipation complete, upon the 1st of November, 1866. I will adhere to that position even against the expressed wishes and earnest remonstrances of friends on this floor, notwithstanding the respect and friendship I bear them. It is because I see in my proposition a rock upon which emancipation can be planted—that shall be immovable against anything but the direct action of the people themselves—that I take my stand there against every conceivable inducement that can be offered me to abandon it.

The Governor has intimated that his continuing in office may depend upon our passing an ordinance of emancipation. On this point I consider that the great interests of our State, that hang upon emancipation for all coming time, are infinitely more important than the question who shall administer the government for the remainder of this gubernatorial term. If the Governor of the State had all the wisdom and energy, all the intellectual and moral power, all the influence of high character that have been combined in all the great men who have illustrated the American name, I would say to him retire to your home in peace, but let the car of emancipation move forward in its glorious career.

My colleague invites you to deal with this subject in the light of the facts around you. Did I not do the same when I spoke from this desk on the Tuesday of last week? The Governor, I am sure, refers to me when he speaks of those who deal with this subject in the light of fanatical views. I have not spoken one word of the moral aspects of slavery. I expressly declared I had nothing to do here with them. I said that the *crimes* of slavery were enough for me. I have endeavored to deal with it in the light of facts around us, all over the State in every direction. I have endeavored to deal with it with as much gentleness as possible in respect to the interests of the owners of the slaves, and that is my principle of action now. But because I have adopted that principle of action I am not going to sacrifice the interests of a million of non-slaveholders, and the millions that are to come, to the interests of slaveholders whose slaves are passing from their hands every day by hundreds. I will deal with this question in the light of the present day; and it is because I deal with it in that light that I declare my fixed and unalterable purpose, God helping me, to strike slavery

down and drive it from the soil of this State at the earliest moment, not beyond the first of November, 1866.

Gentlemen say that I am dealing with slavery as with a criminal. The institution of American slavery stands this day, before the tribunal of the world's judgment, as the most gigantic criminal in all the records of time,—a criminal against honor, against justice, against patriotism, against our country and our flag, and which is, at this very hour, engaged in the most tremendous rebellion the world has ever known. Talk to me, sir, here or elsewhere, about "consideration" for that institution! I have no consideration for it as an institution, for it has identified itself with everything that is criminal against God and man. It is not, gentlemen, because you hold your servants in bondage that I thus speak of slavery. I was raised partly in Kentucky, and in my childhood became familiar with slavery as a system of domestic servitude, and have been familiar with it many years in this State. I appreciate your feelings towards your slaves. No man can do so better than I can. I appreciate that feeling which gives a place in your heart to that little darkey that was born in the same week with your own little child, and has grown up, year by year, with your own child to manhood or womanhood; and I can say here I should be unworthy the respect of generous men if I could not recognize, and rightly appreciate, that affection which exists between master and slave under such circumstances. I do not wonder, I tell you frankly, that you cling to the institution of slavery—that you cling to your servants. *But, sir, it is not with slavery in* that aspect that I am dealing here to-day. I do not tell you that you are criminal in every case for keeping human beings in bondage; far from it. On the contrary, there are many of you who would do wrong if you did not care for those family servants.

It has been attempted here to turn you away from the question at issue by personal considerations between the master and slave. But that is not the matter at all. The question is, what shall we do with an institution which is desolating Missouri almost throughout its entire extent? I say, when that institution is a partner in the crime that is now devastating my country, I will strike it down, if God gives me the capacity and the position to do it. My venerable colleague says he is in earnest about emancipation. I will put his earnestness to the test by asking him to come to the date I have fixed to secure emancipation forever in Missouri against the possibility of legislative repeal, and not abide by his date, which leaves it open to that possibility.

Now, upon this possibility I take leave to say a few words. Gentlemen may make light of it; but when we are dealing with the interests of a great State, for all coming time, nothing is light which bears upon the question. What is our position now in this State? We have a full Senate elected all at the same time. They were divided by lot; and I am informed that it had fallen to the lot of most of the pro-slavery Senators to hold their seats over for four years. The election in 1864 might return enough of the same description to give the anti-emancipationists a two-thirds majority in the Senate. Then, when we come to the House of Representatives, what do we find under the Constitution of this State? A fact, gentlemen, which you, perhaps, are not aware of, namely, that one-third of the population of Missouri elected a majority of the House of Representatives that come here and make laws for you. Every county must have its representation, and there are little counties all over the State; the result of which is, that by the most careful computation, that one-third of the voters of Missouri, in 1860, elected a majority of the House. Even without that being the case, it is not very difficult to get a majority of two-thirds to pass a constitutional amendment. I will remark that neither in the Senate nor House is it a two-thirds vote of all the members elected that is required to pass a constitutional amendment; it is only a two-thirds vote of the members present, and sometimes there are quite a number absent, and a time might come very easily when a two-thirds vote could be got to pass a constitutional amendment. No gentleman has undertaken to assail the possibility of this thing; it is only considered that nobody ought to be influenced by it. If I were dealing with anything else in this world than an institution so perfidious and corrupt in its character as slavery is, I would not think so either. But, for more than thirty years, the representatives of that institution, with their consciences bound, all the time, by solemn oaths to preserve, protect and defend the Constitution of the United States, have plotted to overthrow that Constitution. Every single step of their progress has been marked by perfidy and treachery of the deepest die. Does the Ethiopian change his skin? Does the institution of slavery change its character as to the means it makes use of to

obtain and hold supremacy and power? Does any observing and reflecting man believe that it does? It is, in that respect the same everywhere; and, think you, sir, that our elections cannot be controlled here by underhand work that the honest people of this State would know nothing of? My colleague behind me (Mr. Hitchcock), in commenting upon my scheme, intimated the possibility of its repeal by a Convention. That is where I am perfectly willing to leave it. I do not wish the people to be hampered by any action of ours from carrying out their will, lawfully expressed. I do not think this Convention can make any law which will prevent another Convention from lawfully repealing it. I am willing to take that responsibility. Let them, if they choose, when a Convention is to be elected, elect one that will reinstate slavery and defeat emancipation.

Mr. Hitchcock. I did not imply an objection to the action of the Convention. The point I made was that the arguments advanced by the gentleman from St. Louis, in favor of his declaration and position, and against going beyond 1866, were unsound, because they did not provide the protection claimed; inasmuch as if he believed there was danger from the Legislature of 1864, that Legislature was sufficient to do all the mischief he was providing against by calling another Convention, and therefore his position did not satisfy me at all.

Mr. Drake. I am not providing against the mischief which can be done by the people; I am simply providing against the mischief which might be done by men elected on other issues, and who would then come into the Legislature to carry out the demands of slavery, and who to do it would not, perhaps, hesitate to violate the pledges made at the polls. That is what I wish to provide against, and I will not be moved from that position by any appeals that can be made to me. That is the difference between leaving it open for Conventional and Legislative action. The appeal has been made to you not to lose the present opportunity. So say I. Do not let us lose this opportunity, if this work can be done effectually. If you do not want to do it yourselves, leave it undone, and the people will take care of it. If you go back to the people with it, there is no more certain event than that they will engulph slavery beyond all hope of redemption, and they will give you no system of apprenticeship. They will do it suddenly, resolutely, finally, and irrevocably. I do not want this opportunity lost. I stood up in St. Louis on the Saturday before the election, and told the men who did not want to elect any members here at all, and denied that this Convention had any legal existence—the very people who used the language read by the gentleman from St. Louis (Mr. Sol. Smith) from a German paper—I told them frankly that that was not the way to do. I told them that they should send a member here to get all the good they could from this Convention, and to prevent all the mischief that could be prevented. I consider that it has power over the subject; I hold to its obligation to act upon the subject, and to its duty to the State of Missouri, to make a final ending of slavery here, and create a glory for themselves that all the future will reflect upon their posterity.

Now, gentlemen of the Convention, if you choose, because my proposition is not directly coupled with a scheme of apprenticeship to vote it down, do so; but perhaps you will vote for it before your deliberations have come to an end. Perhaps no other scheme of emancipation will pass this body. If you choose, for any consideration whatever, to throw away this opportunity, it is your work, not mine. You choose to throw it away because you want, for some reason or other, a later day. I choose to adhere to that day, because I can thereby secure a permanent settlement of this question for all coming time. Choose your own course, gentlemen of the Convention; I have taken mine with all the responsibility that belongs to it.

Mr. McCormack. Mr. President: I desire to occupy the time of the Convention a few minutes, while I give the reasons which influence my vote upon the grave and important subject now engrossing the attention of this Convention.

In discussing this subject I wish to divest myself of prejudice and partiality; to weigh it impartially, forming conclusions upon principles of truth and justice alone. And here I wish to state that, in my opinion, a system of judicious emancipation passed by this Convention, equitable and just in itself, both to the slaveholder and the slave, will ultimately work a great benefit to our State, and will be a measure in which the people of the State will concur, and which posterity and history will record as the last great effort of this body. But should we be so unfortunate as to commit a flagrant injustice by the adoption of an

ordinance of emancipation unjust in itself and violative of principles of right, it will not prove a peace measure to Missouri; neither will history or posterity account it a good thing; and this State may be again convulsed by a measure of our own adoption.

In order to form correct conclusions as to the propriety or impropriety of the adoption of an ordinance of emancipation by this body, it will not only be proper to notice the past history of our country, but its present condition. A study of the history of the free and slave States will fully establish this fact, that the free States, in the acquisition of wealth and people, have far surpassed the slave States. Let us institute a comparison between free and slave States, and from that comparison draw our conclusions of the relative prosperity of each. New York and Pennsylvania, two of the original States, abolished slavery; Virginia, North Carolina and South Carolina (also original States), retained it. For salubrity of climate and fertility of soil, these three slave States are but little, if any, behind the free States just named. In extent of territory the States of Virginia, North Carolina and South Carolina exceed that of New York and Pennsylvania 38,000 square miles—a territory larger than the State of Kentucky. In the year 1810 the States of New York and Pennsylvania contained together a population of 1,769,140; at the same period Virginia, North Carolina and South Carolina together contained a population of 1,945,237. From these figures we deduce this fact, that fifty years ago these three slave States had an advantage over the free States, in population, amounting to 176,097; and in extent of territory 38,000 square miles—certainly an important start in the race to greatness. But what are the changes in half a century? The following figures will show: In 1860 the States of New York and Pennsylvania contained a population of 6,786,845, while Virginia, North Carolina and South Carolina, at the same period, contained, of all classes, a population of 3,292,648, having been beaten by New York and Pennsylvania 3,494,197 in the acquisition of people. If the internal wealth and commerce of a State may be judged of correctly by the amount of railroad it has built, we will find the free States just named far in advance of the slave States embraced in the comparison. New York and Pennsylvania have built 5,244 miles of railroads; Virginia, North Carolina and South Carolina have built 3,647 miles, or 1,597 less than New York and Pennsylvania. If we institute a comparison between younger sisters of the Republic, we find the comparison highly favorable to the free States. Take as an instance Ohio and Kentucky: Here are two States lying side by side—the soil of both productive, the climate of each salubrious. Ohio contains an area of 39,000 square miles, Kentucky an area of 37,000 square miles. In 1810 Kentucky contained a population of 406,511; Ohio at the same period contained a population of 230,760, but little over half that of Kentucky. Fifty years from that date the free State of Ohio contained a population of 2,339,511; the slave State of Kentucky, at the same period, contained, of all classes, a population of 1,158,684, or less than one half that of Ohio. Kentucky has built 549 miles of railroad; Ohio 3,013, or more than five times that of Kentucky. Let us apply the same comparison to Illinois and Missouri. Missouri contains an area of 12,000 square miles more than Illinois. In 1810 Missouri contained a population of 8,000 over the population of Illinois at the same period. In 1860 Illinois, in point of population, exceeded the whole population of Missouri 529,000—the difference in the acquisition of population being more than a half million in favor of Illinois, during a period of fifty years. Illinois has built 2,867 miles of railroad; Missouri has built 817, being less than one-third that of Illinois. To-day Illinois is in the tide of prosperity, comparatively free from debt, and in the enjoyment of peace. Missouri is rent and torn by civil strife, and staggers under the ponderous load of $30,000,000 in accumulating bonds.

The evidence thus adduced would seem overwhelmingly in favor of this becoming a free State. A further comparison may, however, tend to modify our first impressions upon this subject. And as I desire impartially to investigate this subject, I will make some statements in reference to Missouri, when compared with other free States not yet noticed. From the year 1850 to the year 1860, Missouri acquired an increase of population amounting to 499,968—being 17,296 more than Iowa for the same period, 48,509 more than Michigan, 29,478 more than Wisconsin, and 19,000 more than the six free States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut put together. A very important reason why the free States

have far surpassed the slave States in the acquisition of population is owing to the immense influx of emigration from Continental Europe to this country, during the last half century. These people, in the great majority of cases, have selected their future homes in Northern States, not indeed so much from an aversion to the institution of slavery as to the fact that they are generally ignorant of the culture of southern staples; and the climate and the pursuits of the inhabitants of the Northern States better suit their taste and their vocation. The immense emigration from Europe to this State during the past twenty years is proof that the institution of slavery has been but a feeble barrier to emigration here. I have thus, as impartially as I could, drawn a comparison between slave and free States, and noticed the prominent circumstances growing out of this institution.

I now propose to notice its connection with the civil war which now afflicts and desolates our country. The leaders of the rebellion declared to the world, and to us, that slavery was the cause which led them to assail our beneficent government, and which has filled the land with violence and with blood. Whether this was the real cause which actuated prominent men of the South to commit treason may, I think, be questioned. Were I to express an opinion of the cause which actuated the leaders of the rebellion at its inauguration, it would be this: A loss of political influence, without a prospect of regaining it in the future, was with them the great incentive to action; and, to secure the cooperation of the Southern people, the slavery question was agitated. The hearts of their people have by it been fired, civil war has been inaugurated, and the world to-day stands aghast at the horrid calamity which the contending sections of our country are inflicting upon each other. The loyal soldiers of our country have been by traitors denounced as "Abolition hirelings," who fight to equalize the black with the white race; their honest efforts to save the Union, their valor in battle, their patient endurance of privation and toil, are all adduced as evidence of their love for the negro, and their desire to make him the equal of the white man in every walk and avenue of life. If our soldiers and people have drawn wrong conclusions as to the real cause of the rebellion, none have done more to fasten upon their minds this delusion than the rebels themselves. If we look at the horrid picture which the red hand of war has drawn upon the broad limits of our country, and especially upon our own State, and reflect that the settled conviction in the minds of a majority of our people is that slavery is the cause of the war, need we be surprised that they demand of us its abolishment? The father, whose gray head is bowed with grief for the loss of his son in battle, believing slavery is the cause of the war, demands of us its abolishment. The bereft widow, rendered so by the sacrifice of her husband in his country's service, believing that slavery is the cause of the war, demands of us its abolishment. The sister, whose brother has gone down in battle, believing that slavery is the cause of the war, demands of us its abolishment. The soldier, reflecting upon the scenes of blood and carnage through which he has passed, calling to mind the names and features of brave comrades whom he has seen fall by his side, calling to mind the desolation of his country, the waste of human life, the suffering he has witnessed, the privations he has endured, the dangers through which he has passed, calling to mind the associations of kindred and of home, and the uncertainty of his ever returning to their enjoyment, believing that slavery is the cause of all this, demands of us its abolishment.

I have thus, to the best of my ability, considered this subject, both in the light of policy and of peace. What, sir, is the highest duty of men situated as we are? Certainly to pass such legal enactments as will tend to promote the peace, prosperity and happiness of those for whom we are acting. We should bear in mind this fact, that legal enactments which tend to invite emigration into a country add strength and wealth to that country just in proportion to the number of persons such legislation induces to become citizens. We should bear in mind that the passage of laws which promote the peace of a country, tends to the safety and happiness of its citizens; for in the midst of violence there is neither safety nor happiness for any people. Sir, will the passage of an ordinance of emancipation effect these objects? This is the problem for us to solve. Notwithstanding, Mr. President, it may be a popular error that slavery is the cause of the war—notwithstanding the abolishing of slavery may not mitigate nor shorten the war in our State, yet the people believe it will accomplish both; and we are called upon to act in the emergency, and legislate for future generations as

well as for the present. Sir, the responsibility is an important one. Shall we prove ourselves adequate to the task? Shall we bid prejudice and party feeling begone? Shall we lose sight of ourselves and strive for our country's good alone, bearing in mind the wants and the wishes of our people, the rights of loyal slaveholders, and the claims which society has upon us?

Mr. DRAKE. I am of opinion, from what has privately transpired, that if the Convention will adjourn to Monday morning, there probably can be a proposition submitted to it upon which a majority of this body can concur. I therefore, sir, in the earnest hope that it may be done, move that the Convention now adjourn until 9 o'clock Monday morning.

Mr. GANTT. I call for the ayes and noes.

Ayes, 22; noes, 63.

Mr. LONG. I ask leave of absence for Mr. Pipkin.

Granted.

Mr. DRAKE. If it is in order, I propose to add the following to my amendment:

"*Provided*, that all slaves emancipated by this ordinance shall remain under the control and be subject to the authority of their owners, but without any power in such owners to sell them during the following periods, to-wit:—Those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, in the year eighteen hundred and seventy-four."

May I inquire, without disrespect to my colleague, whether he will be willing to come up to the date of the 1st of November, 1866, with that amendment?

Gov. GAMBLE. I will vote for that, sir.

Mr. SOL. SMITH. I am also willing to vote for that, although I feel satisfied that a date earlier than 1870 cannot be agreed upon by a majority of this Convention. I wish to give notice, that, if I can obtain an opportunity, I shall propose an amendment which I trust will remove the objections of many members, who now seem indisposed to vote for *any* ordinance of emancipation. It will be remembered that on the 10th of April, 1862, Congress passed a resolution declaring "that the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State, in its discretion, to compensate for the inconveniences, public and private, produced by such change of system." It is my desire to authorize the Legislature, when such aid is given, to use the same, in a just manner, for the purposes intended; but to prohibit the extension of any portion of such pecuniary aid to slave-owners who have in any way assisted the rebellion against the Government of the United States.

Mr. HENDERSON. If it is in order, I move to amend the amendment by striking out 1866, and inserting 1868. I introduced that amendment to secure the support of those in this body whose vote, I think, will be necessary to carry it.

Mr. BRECKINRIDGE. I desire, sir, that the Convention may adjourn, that gentlemen may have an opportunity to consider and decide as to the course it would be wisest to adopt. If in order, I would ask that the motion be withdrawn, and that the proposition be printed.

Mr. GANTT. I call for the ayes and noes on the adjournment.

Ayes, 36; noes, 49.

The PRESIDENT. Having refused to adjourn, the question is on the amendment to the amendment offered by the gentleman from Pike.

Mr. LINDENBOWER. Having paired off with Mr. Drake of Moniteau, I wish to be excused from voting.

The ayes and noes were then called on Mr. Henderson's amendment.

AYES—Messrs. Bartlett, Bass, Bast, Birch, Bogy, Broadhead, Calhoun, Cayce, Collier, Comingo, Deal, Duvall, Dunn, Frayser, Flood, Foster, Gantt, Gorin, Hall of R., Henderson, Hough, How, Howell, Jamison, Johnson, Kidd, Marvin, Matson, McCormack, McFerran, Moss, Moxley, Norton, Orr, Phillips, Pomeroy, Prewitt, Rankin, Ray, Ritchey, Rowland, Sayre, Shackelford of H., Shackelford of St. Louis, Sheeley, Smith of St. L., Waller, Woodson, Woolfolk, and Mr. President—51.

NOES—Messrs. Allen, Baker, Bonnifield, Breckinridge, Bridge, Doniphan, Drake of St. L., Eitzen, Gamble, Hitchcock, Holmes, Holt, Irwin, Isbell, Jackson, Leeper, Lindenbower, Long, McClurg, McDowell, McLean, Meyer, Morrow, Noell, Ross, Schofield, Scott, Shanklin, Smith of L., Stewart, Vanbuskirk, and Walker—32.

Mr. HENDERSON. I offer to amend the amendment by inserting after the word "them," "out of the State of Missouri."

Gov. GAMBLE. I desire to remark that prohibition for selling slaves was not in the origi-

nal draft; the gentleman from St. Louis (Mr. Drake) added those words.

Mr. DRAKE. There is prohibition of slavery and involuntary servitude in the ordinance, and without that amendment the whole thing is contradictory. I would ask the gentleman from Pike whether he understands the prohibition of sale to reach up to, or beyond, the year named.

Mr. HENDERSON. Slavery will remain absolute up to 1868, and after that period slaves to be in the condition of apprentices.

Mr. HITCHCOCK. Are those who hold those apprentices to have the privilege of selling them?

Mr. HENDERSON. Not out of the State.

Mr. HENDERSON. I understood the gentleman from Pike to propose that masters shall have the right of assigning the services of apprentices.

Mr. HENDERSON. Unquestionably so.

Mr. DRAKE. The whole thing as it now stands is contradictory in itself; for it declares that slavery and involuntary servitude shall not continue beyond a certain time, and yet there is a provision which declares that men may sell these negroes during the whole period of their servitude.

Mr. HENDERSON. I may misunderstand the language, or the meaning of the language of the amendment offered by the gentleman from St. Louis. The original proposition offered by the Committee on Emancipation proposes that slavery and involuntary servitude shall cease to exist in 1876. The gentleman from Saint Louis offers an amendment that it shall cease in 1866. To that amendment I offer another amendment that slavery should cease to exist in 1868: that, I understand, has been adopted, and it leaves slavery in existence till 1868. Now I understand that if we leave the proposition of the gentleman from St. Louis standing as it is, he prohibits the sale of slaves from to-day, even to persons in the State. My object is to make the bill consistent in all its particulars. If you leave slavery and involuntary servitude in existence up to 1868, my idea is to let the owner have the power of selling up to that period in or out of the State; after that there will be but a transference of apprenticeship in the State.

Mr. BRECKINRIDGE. The difficulty I understand to be, that it is supposed the effect of the amendment offered by my colleague (Mr. Drake), if adopted, would be to prevent the transfer of the services of former slaves after the date of emancipation and during the term of service provided for by the ordinance. My colleague's object seems to be to make it certain beyond question that slavery, as such, shall end at the date fixed in 1868, and shall then give place to apprenticeship or service for a term of years: to that end, he proposes to amend by adding the words, "without the power of selling." This was objected to, and probably was not sufficiently explicit. It was proposed to insert these words for the simple purpose of securing beyond all doubt the absolute removal of slavery, as such, after 1868.

My friend from Pike seems to suppose the effect of it will be, that after the appointed date in 1868 there can be no assignment of the term of apprenticeship. The object of my colleague, as I understand, in proposing to amend by adding the words "out of Missouri," was to prevent any possible construction of the ordinance by which negroes freed in 1868, and after that held as apprentices, could be sold out of the State, and thus practically again reduced to slavery. He desired the ordinance to recognize them after the date at which freedom attaches as apprentices, and to provide for the transfer and assignment of the term of service due from them, but to prohibit any transfer or assignment out of the State. If I correctly understand the object of the gentlemen, there is nothing inconsistent in their propositions. One wishes to guard against one danger, and the other against another. One desires to prevent a possible construction, by which slaves, freed under the ordinance, might, after the date at which freedom vests, be sold as apprentices out of the State, with the probability of being thus really reduced again to slavery; the other wishes to guard against the use of phraseology which might be held to deny the right to transfer the claim to the services of apprentices, within the State, after the date at which slavery is to cease.

Mr. HENDERSON. My only reason for offering the amendment was, there is a prohibition of the sale of a slave from to-day. If the gentleman from St. Louis will withdraw that part of his amendment, I will withdraw mine—that is, the part that prevents the sale of a slave.

Mr. HOUGH. There seems to be, if not confusion, at least some lack of understanding about this matter, and, as it is one of importance, I move an adjournment to Monday morning, 9 o'clock.

The motion was put and negatived.

Mr. DRAKE. I am willing, for the sake of avoiding this difficulty, to strike out of my amendment the words that I inserted, which were not in the proposition of Gov. Gamble.

Mr. HENDERSON. Then I have no amendment to offer in reference to that difficulty. While slaves are in slavery, they can be sold; when they are apprentices, they cannot be.

Mr. WELCH. I move that we now adjourn to Monday morning, 9 o'clock, and that the pending propositions be printed.

Carried. Ayes, 43; noes, 32.

The ordinance pending on the adjournment was as follows:

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION AND FOR THE EMANCIPATION OF SLAVES.

Be it ordained by the People of the State of Missouri in Convention assembled:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

Sec. 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth day of July, eighteen hundred and seventy-six; and all slaves within the State on that day are hereby declared to be free.

Sec. 3. That all slaves hereafter brought into this State, and not now belonging to citizens of this State, shall thereupon be free.

Sec. 4. All slaves removed by consent of their owners to any seceded State after the passage by such State of an act or ordinance of secession, and hereafter brought into this State by their owners, shall thereupon be free.

Sec. 5. The General Assembly shall have no power to pass laws to emancipate slaves without the consent of their owners.

Amend section two by striking out the words "fourth day of July, eighteen hundred and seventy-six," and inserting in lieu thereof the words "first day of November, eighteen hundred and sixty-eight," and by adding to said section the words following: "*Provided*, that all slaves emancipated by this ordinance shall remain under the control, and be subject to the authority of their owners, during the following periods, to wit: those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, in the year eighteen hundred and seventy-four."

THIRTEENTH DAY.

JEFFERSON CITY,

Monday, June 29, 1863.

Convention met at 9 o'clock.

President in the chair.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

Mr. BUSH, who was absent when the vote was taken on Saturday, asked and obtained leave to record his vote against the amendment offered by Mr. Henderson.

Mr. IRWIN. I rise for the purpose of asking leave of absence for the Sergeant-at-Arms, on account of the sickness of his wife.

Mr. GANTT. I suppose, Mr. President, the Sergeant-at-Arms can obtain leave of absence without asking the permission of the Convention. The only difference is, that if he obtains the assent of the Convention he is entitled to his pay while absent from his duties.

Mr. SAYRE. I have seen the dispatch received by the Sergeant-at-Arms, and the statement of the gentleman from Shelby is correct. If he finds his wife in a condition that he may leave her, he will start back from Kirksville, in the county of Adair, to-morrow. Under the circumstances, therefore, I think leave of absence should be granted. I call for the ayes and noes.

It was decided in the negative — ayes, 28; noes, 51.

NEW COUNTY OF LYON.

Mr. SMITH of Linn. I beg leave to present the report of the committee to whom was referred the ordinance organizing the county of Lyon. I desire to say that the county proposed to be established by this ordinance is composed exclusively of territory belonging to the counties of Macon and Linn, and will be about sixteen miles miles and a fraction wide, east and west, by twenty-four miles in length. The people within these limits have for several years desired the establishment of this new county, but have not been enabled to do so on account of the constitutional provision requiring more territory to entitle the Legislature to act in the case. The people of that district of country now ask this Convention to declare it constitutional. We have a precedent for this measure, sir, in the formation of the county of Schuyler, which does not contain as much territory as this proposed county by a considerable amount; yet it was declared a county by the Legislature at two consecutive sessions. There are about four hundred square miles of territory from which this county is proposed to be established. The people within the said limits earnestly desire the establishment of this new county, and the citizens of Linn and Macon are willing that the measure should be consummated.

Mr. DRAKE. I would inquire of the gentleman from Linn if the constitutional amendment establishing the county of Schuyler was not adopted by the Legislature in order to obviate the difficulty that grew out of the settlement of the boundary line between Iowa and Missouri, reducing, as it did, the county of Schuyler below its old constitutional limits?

Mr. SMITH of Linn. I understand it was, sir.

Mr. DRAKE. I would inquire further, whether the establishing of the proposed new county does not reduce one county below the constitutional limits?

Mr. SMITH of Linn. It does reduce the county of Linn below the constitutional limits by about thirty square miles.

Mr. SHEELEY. Will it not require something in this ordinance to make the county of Linn a legal county, if it is reduced beyond the limits required by the Constitution?

Mr. SMITH. I apprehend that it will not, sir.

Mr. DRAKE. With every desire to oblige the gentleman from Linn, I cannot consent, so far as I am concerned, to go into this species of legislation, and I think the gentleman from Linn, when he reflects upon it, will feel satisfied that we ought not to go into this kind of business here.

Mr. SMITH of Linn. I am in hopes the gentleman from St. Louis will withdraw his objection. This is a matter which the Legislature cannot do; there is a constitutional provision in the way; but this Convention can declare the proposed county of Lyon a constitutional and legal one, while the Legislature cannot do it. The people have had large meetings favoring the proposition, and as it will be a very great convenience to them, I sincerely hope the Convention will see fit to accede to their request.

Mr. ORR. It strikes me, that if we are going to make new counties, would it not be better to reorganize all the counties, at least in every locality where there is enough land to do so; but, so far as I am concerned, I never will vote to make a new county, except in the way authorized by the Constitution.

Mr. HALL of Randolph. As I am well acquainted with the part of the State referred to, I will say that it would be a great convenience to the people if the new county were established. Macon City is now the county seat; it was transferred last winter. Consequently there are parts of the county, I presume, forty-five miles from Macon City, with the river between, which, I believe, has no bridge but the railroad bridge in the county, and the county is unable as yet to construct bridges across it. I am satisfied that no objection can be made by any one in Macon county. The thing is desirable, and would be a great convenience to the people of that section of country, and I should be glad to see the measure passed by the Convention.

Mr. FOSTER. The reason why the county of Schuyler was established with less territory than was required by the Constitution was, that the people of my county would not suffer the land to be taken out in a southwardly direction. Being acquainted with that part of the county referred to, I can substantiate the remarks of the gentleman from Randolph, and I well know that the people of Macon and Linn, who would be affected by it, are in favor of the establishment of the new county.

Mr. ORR called for the ayes and noes.

On the question being submitted to the vote, the result was—ayes, 31; noes, 53.

ON THE APPROPRIATION OF FIFTY THOUSAND DOLLARS FOR THE SICK AND WOUNDED SOLDIERS OF MISSOURI.

Mr. PHILLIPS. I beg to present the report of the Special Committee to whom was referred the ordinance appropriating $50,000 for the care of the sick and wounded soldiers of Missouri:

"The majority of the committee to whom was referred the ordinance appropriating money for the care of the sick and wounded soldiers of Missouri, beg leave to report, that, in view of the embarrassed condition of the finances of the State, and the misuse so often made and liable to be made of such appropriations, coupled with the further objection to this body engaging in special legislation, they would therefore respectfully recommend the rejection of the ordinance.

J. F. PHILLIPS,
F. MEYER."

Gov. GAMBLE. Last June we passed an ordinance of the character I understand this to be, appropriating $50,000 in defence warrants, for the benefit of the sick and wounded soldiers of Missouri. Members of the Convention may have seen a statement from Mr. Yeatman, who is at the head of the Sanitary Committee, saying that he had applied to me, and as I was unwilling to employ any new and expensive agency for the distribution of this fund, I put myself in communication with him, and satisfied myself that the money that had been voted would be usefully and rightfully applied. I, however, explained that all the funds thus confided to them must be expended for the benefit of Missouri's soldiers. Out of that fund I have drawn on the State Auditor, in behalf of the President of the Sanitary Commission, for $10,000, and the $10,000 still remain in the Treasury. I notice, however, in the published statements of the President of the Sanitary Committee, that he says that $70,000 have been expended for the sick and wounded soldiers of Missouri. I am not able to say, at this time, whether this entire sum has been expended exclusively for the soldiers of our State or not. If it has been, that may be an absorption of what now remains of the former appropriation. He has applied to me for the balance, but I have not as yet given an order on the Auditor; but if the expenditure has been made, as it seems to have been, for the benefit of our sick and wounded, of course the balance must, in justice, be turned over to him, in behalf of the Sanitary Committee. In the present state of the case, therefore, I do not think it would be judicious to make any further appropriation.

Mr. BROADHEAD. I rise to a question of privilege. I have learned that several member of this Convention understood that I made a charge against the loyalty of the gentleman from Greene, (Mr. S. Orr,) in the remarks I made on Saturday. I deem it due to the gentleman, and to the position I occupy, to disclaim any such intention. I cannot recall the exact words I used; but I do not desire that any such construction should be put upon the remarks I made.

Mr. VANBUSKIRK. I ask for the appointment of a member on the Committee of Accounts, in place of Mr. Pipkin, who is absent on leave.

The Chair appointed Mr. Holt.

The regular order for the day was then taken up, namely, the amendment of Mr. Henderson to the amendment of Mr. Drake to the original ordinance of the Emancipation Committee.

The question being upon the amendment of Mr. Henderson to the ordinance of emancipation, striking out 4th of July, 1876, the time when slavery shall cease to exist, and inserting 1st day of November, 1868, and by adding the following:

"*Provided*, That all slaves emancipated by this ordinance shall remain under the control, and subject to the authority, of their owners during the following periods, to-wit: those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, eighteen hundred and seventy-four."

Mr. LEEPER. Since I have been a member of this body, I am not aware that I have ever given a vote for the purpose of manufacturing an opinion, or creating an impression at home or anywhere else. The course I take is that which seems in the line of my duty, and I take it without regarding for a moment what may be the opinion of disloyal men; and I am always willing to shoulder the responsibility of any act of mine in this Convention.

Members of this Convention who believed that some scheme of speedy emancipation was absolutely essential to the peace and prosperity of this State were called radicals; at the commencement of this rebellion, they were de-

nounced as Black Republicans and enemies of the Government. But, in times like the present, when this country is struggling for its very existence, what loyal man can stand by and be a neutral? I cannot say I have no part to take in this struggle. In such circumstances, I am bound to be a radical; for to be a radical is to love and aid our country that is threatened with ruin and destruction by some of its own recreant children. I took sides at the first outbreak of this rebellion, and never stopped for a moment to decide between my interest and duty. Therefore, in the true sense of the term, I am a radical,—strange as the term sounds to me,—when, to put down the rebellion, it *requires* men to be radical.

Some gentlemen insist upon calling us revolutionary. I am, and always have been, opposed to revolution. My course in this Convention and out of it, affords proof of this. If it is insisted that we are revolutionary because we desire the people of Missouri to elect their own rulers, and because we wish to submit the action of this Convention to the people, then I candidly confess I am no judge of what revolution is.

It is said, too, that if we agitate this slavery question we divide the Union party upon it. Now, Mr. President, if there is any meaning at all in this, it is that emancipation will cause a division in the Union party, and that one portion of this party will go against putting down the rebellion. Now, if our love for the negro is going to stop our regard for the Government, let us, by all means, know from which side it is to come. I think it will be from the party that is going to oppose emancipation. Another remark I have heard repeatedly, and with great surprise, is in denunciation of the President of the United States and of his acts, and of the officers and soldiers of our army. Now, while I admit that in an army as large as ours, we may have men and officers who will sometimes do wrong,—for it is a natural and perhaps an inevitable consequence of bringing so large a body of men together;—but when an army is denounced as "negro thieves" and "desperadoes," and when such appellations as "thieving" and "marauding" are applied to their operations, I cannot but ask gentlemen for their authority for such censure; and also to inquire why such appellations are not applied to Jeff. Davis and his army of the Southern Confederacy? When our army is so denounced, and these same men have nothing to say against the cursed system of guerrilla warfare carried on in this State, I cannot but conclude, Mr. President, that their mouths are sealed because their sympathies are in the wrong quarter.

With respect to the proposition now before the House, I cannot say it entirely satisfies me; especially the latter part of this ordinance, making emancipation gradual, by letting the period of servitude extend to different periods. It would please me very much better if I could see distinctly where emancipation begins and where it ends. I fear, too, that the measure will give rise to much difficulty in regard to the age of slaves. How easy it will be to add to or deduct a few years from the age of a slave. This is a difficulty that will come up at every stage in carrying out this measure. I am willing to go for a system of apprenticeship,—that is, servitude after emancipation takes place,—but I want to know when that servitude commences and when it ends. I would say to this Convention that my lot has been, from my birth up to the present time, in a slave State, and up to the present time my foot has never touched the soil of a free State. I think, therefore, I may say that my prejudices are not in favor of emancipation. I have, from the time I have been able to use my reason, up to the breaking out of the rebellion, been in favor of letting slavery alone; and as far as I have had any influence, it has been exercised in inducing people to quit that eternal agitation of the subject.

When this secession movement came up, I told the people that it would lead to war, and that war would lead to the destruction of slavery in the United States. I believe, too, that slavery is the cause of the war, and that, without it, the war would never have been. I am, then, Mr. President, in favor of immediate emancipation; I believe that the State of Missouri demands it should take place, and speedily too. A year ago, the sentiments of the people of this State were very different. When one of the most gradual schemes of emancipation was proposed, it was treated with contempt and scoffing, and it was, without ceremony, laid upon the table, with only nineteen votes cast against its being buried. What great changes of sentiment and circumstances have taken place since that time! Have we come here in order to draw the people after us? No, sir; but the people of Missouri have moved and are drawing us after them. The Governor of the State tells us that some system of emancipation is necessary. Why did he not tell us that last year? Simply because the people did not

demand it. The people have called us here to do their will; and they will not be satisfied with anything short of some scheme, fixed, and stable, and irrevocable by anything that can be done hereafter, except by the direct action of the people. Believe me, Mr. President, nothing short of that will satisfy the people of the State of Missouri.

I know, Mr. President, that there are men who will vote for emancipation to-day that would not have touched it a year ago with a pole forty feet long; and why? Simply that the people have demanded it of them. I object to this proposition now before the House, first, that it defers emancipation till 1868; and it gives a chance—a last chance—for all the efforts that can be brought to bear upon it by the machinations of party scheming to defeat it. Nevertheless, I am willing to concede something, provided the measure be put upon a firm basis that will prevent its being interfered with hereafter. The danger is that, by putting it off till 1868, it may be that a party will arise in Missouri who will try to put down this emancipation scheme by every means in their power.

But, it is said that our slaves are leaving their masters; and so they are: and if the laws now in force are not sufficient to stop it, none that we can make will do it. The truth is, the institution of slavery in Missouri is doomed, if not dead, and it is the rebellion that has done it. The rebellion has done more to destroy slavery than all the Abolitionists and Aid Societies the North ever produced. I say, therefore, to my pro-slavery friends, slavery is doomed, and to you belongs the glory of having killed it.

And who is not rejoiced that slavery is doomed? Has it not been a clog upon the energies of our State? Has it not retarded our progress, and sown the seeds of discord which we now reap in tears? Does this great State need slavery?—a State that is large enough and rich enough to be an empire within itself! Let us turn her loose; release her from her shackles; throttle the monster that would despoil this fair land, and then we may return home to our constituents with the conviction of having done our duty, approved alike by our own consciences and by the people whom we are here to represent.

Mr. BROADHEAD. The language of the amendment does not sufficiently specify the nature of the relation that will exist between the former master and the slaves emancipated. The word "servants," I observe, has been used in the legislation of the Eastern States and New Jersey—but in most instances they were apprenticed to their former owners and the laws on the subject of apprentices applied to them, so that there was no difficulty in fixing the relations existing between them. The act of the British Parliament providing for the emancipation of slaves in the West India islands was passed on the 28th of August, 1833. It divided the emancipated slaves into three classes—predial-attached, predial-unattached, and non-predial. They were apprenticed to their former owners, and during the period of such apprenticeship were called "apprenticed laborers," and their duties and rights, as well as those of their masters, were provided for with great particularity and minuteness of detail, embracing as much as 29 pages of the English statutes; compensation was provided for the owners. The period of apprenticeship for the predial-attached laborers, or those who had been employed in agricultural pursuits on farms owned by their masters terminated in August, 1840, just seven years; and during that period their position was well defined and understood.

It is proposed by this amendment that these emancipated slaves shall be held as *servants* of their former masters for certain periods. Should this be adopted the relation existing between master and servant would be none other than that existing at common law between the master and the hired servant—the only difference being that in one instance this relation would be created by contract between the parties, and in the other by operation of law; but the meaning of the word servant being well understood and settled, the duties and liabilities of the parties would be governed by the rules of the common law. It may be said that they would still be slaves. Not so; they are declared to be free after 1868. Their relations will then have changed from slavery to qualified freedom. The emancipated slaves—then servants—are required to serve their former masters; those over 40 years of age, during their lives; those under 12, until they arrive at the age of 23; and those over 12, till 1874. Suppose one of these servants refuses to perform the services required of him, how is the service to be enforced? To attempt to enforce it by action at common law would be ridiculous. There is no apprenticeship—no mode of enforcing it by that law, and yet the

master is said to be entitled to the services. Now if this is to be a mere empty declaration we had as well leave it out entirely, and declare simply and absolutely that all slaves shall be free at a certain period; but if they are in fact to be servants, let us define what that relation is. We cannot well undertake in an ordinance to prescribe the particular rights and duties of each, nor how those rights may be enforced. This must be left to legislation hereafter; or else we may say that the laws now in force, and which are well understood, shall determine those relations until they can be altered or amended by the Legislature. It may be said then that slavery would still continue during that period, but this is not true. The great leading distinction between slavery and freedom would have been established; the negro would no longer be a thing, but a person; he would have the right of serving in a court of justice, of acquiring and holding property of every description, goods, chattels, land and tenements; whatever he might acquire by his labor, by gift or by descent, would be his—the law would recognize his rights, and he would have a status in the community. There must be some fixed relation established between the master and the emancipated slave, if he is to continue to serve his former master, or else the provision amounts to nothing.

Gov. Gamble. The word *apprentice* has been used in all ordinances that have been proposed in which there has been qualified servitude, that is, servitude after the destruction of chattel slavery. The idea attached to "apprentice," as it is shown in the laws we have passed, has been similar to that of minors or children bound for their benefit to masters for the purpose of learning some art or calling. That idea, however, is not exactly that which is meant to be expressed in this ordinance, because the persons we are legislating for include household cooks, washer-women, nurses, chambermaids, &c., and to such the word apprentice, in its ordinary acceptation, would not be applicable. It is for this reason the word "servant" is used. This word would be known to lawyers in an ordinance providing for emancipation, as persons who had just before been slaves, but who had been emancipated from slavery; and the word "servant" would imply altogether a different relation to that of "slave." The word *servant*, therefore, was preferred to *apprentice*, because it seemed to convey a clearer distinction of the true relation that would exist in the future between *master* and *servant*.

A word as to the ages mentioned in the ordinance, and the selection of the periods given. In deciding upon this matter we ought to have an eye to the interest and welfare of all the parties interested. Take, for instance, the first provision, that says that after 40 the person shall remain a servant for life. And why? Because a person at that time of life is approaching a condition in which it would be unsafe to send him into the world to rely upon himself. It is important that he should remain under the protection, guidance and control of others. He is not in a position to act for himself, and to accumulate means to supply his own wants, and to provide for his needs late in life. I thought it, therefore, but right and just that the owner of the slave, who had profited by his labor in the prime of his life, should assist to support him in his declining years. I did not think there would be any real humanity to the slave in any other course. At 40 years of age I regard his habits of thought, of body and action as so confirmed that to force him into new and untried circumstances, amid the strife and turmoil of life, would be unwise as well as uncharitable. So as regards young children under 12. What can you do with them? Turn them loose into the world? Why, sir, it would be absolute cruelty to do so. But to take them at that period of life, when their minds are sufficiently developed to receive the training that will be useful to them, will permit of their characters being formed and their minds disciplined between the ages of 12 and 23. Those over 12 years of age will serve till the year 1874, and this will afford the opportunity for such to look upon their approaching deliverance from slavery, and to prepare themselves for the change of life which that year will bring with it. It may be that the periods and dates fixed upon may not be the best possible selection; but I have endeavored, to the best of my ability, to bear in mind the welfare of all concerned, and have never lost sight of the important fact that we are dealing with the future interest and welfare of thousands in this State.

Mr. McFerran. Mr. President, the history of the world is the history of wars. Peace is the exception, not the general rule. The charge that the institution of slavery is a great crime, and the cause of the war, and should therefore

be destroyed, is the cry of Peter the Hermit inciting a crusade not only against the institution, but, amid the fiery passions of the present, against the people, the civilization, and the peace of Missouri. Tirades of this character cannot in any sense be regarded as friendly to the people of Missouri. Harangues of this character weave into the passions of our people a bitter, relentless hate, that develops itself in the long catalogue of crimes which curse our State. If the institution of slavery was the cause of the war—which I do not admit—it is no reason why all should be impoverished who, *relying upon the Constitution* and the laws, have invested their means in slave property. The plan of immediate emancipation simply demands that we shall impoverish by our action a large class of our citizens. When the passions of the hour have subsided, and reason again resumes her throne, justice will stand astounded at the bar of public opinion at such a proposition.

A violent and corrupt partisan public press, and demagogues and politicians throughout this broad domain, have had much more to do in bringing on the war than the industrious, obedient and comparatively contented slaves of the South. It would be more just to arraign the freedom of the press and of speech than the institution of slavery, which is as old as our country and civilization on this continent. The great Benton announced a great truth when he said "the dangers of the country arise from uneasy politicians, its safety from the tranquil masses." I am frank to admit that war intensified, *if not created*, by pernicious and inflammatory harangues and publications, has, in a great degree, done its work; first in the interest of treason and rebellion, and since by uneasy politicians seeking aggrandisement upon the ruins of the commonwealth. Missouri withstood the assaults of her enemies, but she has reason to pray to be saved from her friends.

For my part, I am here to save the civilization and firesides of our people, rather than any institution. Observation teaches that war's desolation has already doomed the institution of slavery to extinction in this State. Amid the throes of rebellion and revolution we are called to save the commonwealth, just emerging from the fires of rebellion; while the thunders of war are receding to the far South, we are menaced with wild anarchy at home. Every mail brings the news of murders, riots, robberies, thefts, and arson, in almost every quarter of the State. A large portion of the State is already desolated by contending armies, and persons and property are becoming less secure every day. These are "the times that try men's souls;" and in a multitude of counsellors there is safety.

Some say the master has a constitutional right to his slave, and to deprive him of it in any manner, without full compensation, would be an outrage which they will not tolerate. Others say that when the next Democratic Administration comes into power their slaves will be returned to them. Strange that wise men should hug to their embraces such fatal delusions. Can they not see that to wait until a Democratic Administration is in power is not only to wait until the institution, but the State itself, is destroyed? That while the Constitution guarantees life, liberty, property, and the pursuit of happiness, to every citizen, how many of our fellow-citizens have given up the pursuit of happiness, their fortunes, and their lives, during this war. Go to the battle-fields of the country and to the desolated districts of this State. Chimney stacks, and the ashes of the habitations of our people, are all that is left where once was the hospitable mansion, and the bright firesides of civilization. One class of these counsellors would say to these ruined people, "Insist upon your constitutional rights, and do nothing." The other class comes with the newer cry, "Slavery was the cause of the war; destroy it immediately." This policy will beggar thousands more of our people, destroy our industrial interests, turn loose from eighty to one hundred thousand slaves, suddenly unprovided for, and make our State not only the habitation of paupers and ruined men, but herself a pauper in the sisterhood of States.

Mr. President, slave property, always timid, cannot survive the shock of this war. Fate has written its doom amid the ruins of the commonwealth. The proper disposition of the institution is a great question of statesmanship, far above all considerations of party, calling for the exercise at once of the most exalted intelligence and purest patriotism.

To protect the master and the slave as far as possible under the adverse circumstances now surrounding the country, and to restore law and order, is a most solemn and responsible duty. In my opinion, the only safety of the institution, and the commonwealth itself, is in the gradual abolishment of the institution.

Such an ordinance will unite the law-abiding people of the State, and be a death-blow to

lawlessness. The existence of the institution will no longer make crime respectable by party associations. As the most heinous crimes during the French revolution were committed in the name of liberty, so now monstrous crimes are committed in the name of slavery or abolition.

Such an ordinance will remove the vexed question from the arena of agitation forever. Uneasy politicians will not be able to inflame our people against each other, and against the country, by harangues for and against this institution. Crime can no longer claim immunity from punishment under the garb of humanity, and a higher law. No longer will the assassin and the robber despoil our people, under the pretext of fighting for our rights.

Mr. President, we are dealing with a great practical question; one that the human mind can scarcely grasp in all its effects to our nation, our State, and our people. The Union man of our State, standing between the sorrowful past and the dark and foreboding future, sees his last hopes concentrated in the salvation of our country and the restoration of law and order. None can fail to see that if the Federal Government maintains its authority in this State the institution will disappear; and it is equally clear that if the Confederates prevail in this war, and finally rule its destinies, that the institution will be re-established, notwithstanding any act of this Convention. For my own part, I have staked my all upon, and expect to share, the fate of my country; and feeling that the institution is doomed by the rebellion to extinction in this State, I accept the fate that treason and fanaticism has made irrevocable, and am anxious, by every means, to unite the law-abiding citizens of the State against traitors without and within, whether they come with professions of friendship on their lips and daggers in their hearts, or with the tri-colored flag of rebellion and treason.

Mr. President, the gradual emancipation of the slaves of this State will not be without its benefits to our people and the commonwealth. It will fix the legal status of the State on this subject, and confer all and more benefits than immediate emancipation would confer. Hereafter we must look for capital and emigration to the Northern States. The status fixed by a gradual system will remove the objections of free State people, and prevent the sudden shock to our industrial interests and prosperity that immediate emancipation would entail, and, in all respects, leave our State in a much better condition.

Mr. President, in conclusion, I can see but two objects that can be attained by this Convention for the benefit of the State. First, dispose of the institution of slavery so as to benefit the industrial interests of the State, the master and the slave as much as possible, consistent with the safety of the State, and the restoration of law and order. This done, and we have discharged our whole duty to our nation, our State, and our people. In the discharge of this high trust, I will favor that plan by my votes which will best attain these ends.

Mr. LINDENBOWER. I do not purpose making a long talk. The time for talking has passed. We have had nothing but speeches for the last two weeks, and are no nearer a solution of the problem now before us than when we first assembled. The time for action has arrived, if action is to be had.

As to my action: I was elected as a delegate to this Convention in opposition to a gradual emancipationist and a no emancipationist. I have no doubt but what at least two-thirds of the voters of my district are for immediate and unconditional emancipation. I came here with the determination to oppose any and every scheme of emancipation which did not provide for the final extinction of slavery in 1864; and if such were my action, my constituents would approve of it.

So far as I am concerned, I do not intend that any one shall excel me in concession and compromise. I am willing, in order that this question be settled, and finally disposed of, to support an ordinance providing for emancipation of slaves in 1866; and to give pro-slavery men all they ask for, by letting them have the labor and service of the emancipated slaves for ten years after such emancipation occurs.

Prospective emancipation is particularly obnoxious to me. Every argument used against immediate emancipation applies with equal force against prospective emancipation. If it is unjust to the slave-owner to take his slave from him, without compensation, now, it is unjust in 1876. If it is unwise and impolitic to turn the slaves loose among us now, it will be unwise and impolitic in 1876. If the slave is not prepared for freedom now, he will be no better prepared in 1876. I look at prospective emancipation as a mere farce, where it is to be consummated at a late day. If I support prospective emancipation, the day upon which it is to be fully consummated must be so close that it will be beyond a possibility of the action of

this Convention being reversed. If 1868 is fixed upon by this Convention as the day on which emancipation is to be consummated, I shall move a final adjournment of this Convention, and let this question go back to the people. So far as my own choice is concerned, I prefer it should go back to the people. If this Convention makes it necessary for the people to act in this matter, they will act without hesitation or delay. I do not consider slavery the sole cause of the rebellion in the State of Missouri. The Democratic party and slavery in Missouri working together have brought about and kept up the rebellion. I do not seek to destroy slavery because of the influence it has had in bringing about and keeping up the rebellion, but because the system of slave labor is wholly destroyed, and it is necessary for the best interests of the State that the rubbish of slavery be removed to make room for free labor.

I shall vote against the amendment now pending, and against all schemes of emancipation which will not be consummated by the emancipation of the slaves of the State on or before 1866.

Mr. PREWITT. In justice to my constituents, and to the loyal slaveholders of my district, as well as to my own convictions of right and duty, I desire, for the first time, to occupy a few minutes of the time of this Convention.

It has been said here that slavery is a great criminal; that slavery is the cause of the war, and that therefore slavery must be eradicated without regard to the rights of those who own slaves, or without considering the sacredness of that constitutional guarantee by which slave property is protected. There is great injustice in this argument, Mr. President; and this interference with the rights of the slaveholder is, to the last degree, unjust and ungenerous. It is said that slavery has been the cause of the war in the South. Does it therefore follow that slavery in Missouri shall be eradicated? Were it argued that democracy had been the cause of the war in the South, would gentlemen insist that every loyal Democrat in Missouri should therefore be hung? Does it follow, because slavery has had a hand in this war, that every loyal slaveholder shall be stricken down—his children turned out of their homes as beggars into the world—and that, after having struggled and fought to uphold the flag of their country, and having safely borne it above the tide of rebellion, that they shall be stricken down and required to offer themselves and their all as sacrifices upon their country's altar? Is it just or reasonable?

I claim, sir, that in the district I represent, there are slaveholders as loyal as any loyal man to be found in Missouri. These men have done all they can in behalf of the Union and the Government of the United States. They have, from the first, turned their backs upon the rebellion and secession; they have fought it, battled with it, when to do so was full of peril on all hands. I say, Mr. President and gentlemen, that to turn upon these men who have thus boldly and successfully fought for the Union and the country, is to allow your zeal to overcome your sense of justice.

It is further argued that to eradicate slavery from Missouri is a necessity, inasmuch as it will leave no excuse to the South to re-occupy the State. This argument, Mr. President, seems to me to have just as little reason and justice in it as the other. Suppose Lee shall be successful on the Potomac; Grant overcome at Vicksburg; our frontier army overcome; our flag trailed in the dust, and the tide of war rolled back again to our own doors, shall we loyal slaveholders who have united with you, shall we be benefitted by such a course of events? Shall we not rather lose slaves, houses, lands, and probably all we have? Shall we not be fugitives from home, and be called traitors by these men, because we have preferred to stand by the Union and the Constitution of our country, which our forefathers fought for? Are we, I ask, to be told that an act of glaring injustice must be done us to keep these men back?

Then we are told that this slave property must be taken away from us without compensation, notwithstanding that the Constitution guaranties that property to us, or its equivalent. Was it not in virtue of that Constitution, and in full reliance on it, that people were invited to settle in this State? And are we now to be told that this contract is to be cancelled and no compensation made? Gentlemen tell us to be patriotic; we desire to be so. Gentlemen tell us to stand by the flag of the country, and to put everything out of the way that prevents its advance. We desire to do so; we mean to do so, and to stand by the Union and the Government of the United States against all foes, come from wherever they may; but, are gentlemen who are so generous and profuse in their demands upon us prepared to make equal sacrifices? Are gentlmen who ask my constituents to give up perhaps an only slave quite ready to display

equal patriotism? Can it be that these glowing appeals to our patriotism come from gentlemen who neither offer nor expect to make any sacrifices?

There are perhaps 100,000 slaves in Missouri. Gentlemen require that these slaves should be given up by their owners. Some of these owners may be disloyal; if so, their property is confiscated by the laws of the United States; but my appeal is in behalf of the loyal slaveholders of Missouri. Is it fair or generous to ask us to lay all our goods and money upon the altar of our country for the benefit of the Union? When we ask to be paid for our slaves, we are told it is impossible. Are they not as able to pay for them as we are to lose them? Sir, we are embarked in a great undertaking, but the loyal men of Missouri, shoulder to shoulder, are marching steadily forward; the State rebellion is crushed, the Government and the Union will be maintained, and peace will again be restored to our distracted land. The loyal men of Missouri, I say, have proved their faithfulness and attachment to their Government, and it is anything but fair or generous to say that slavery stands in the way of the Union, that it must be crushed out, and slave owners, loyal as well as disloyal, be made to face the consequences. It has been estimated by gentlemen during the last winter that the slave property of Missouri was worth twenty millions of dollars. What the estimated value of slave property in Missouri is now, I am not able to state; but whatever it may be, would it not be most detrimental to the welfare of the State to be deprived of the vast amount of property represented by the slaves? Will it benefit the State of Missouri to turn these slaves loose amongst us, to become a herd of idle vagabonds, to make a living by begging or stealing? There will, of course, be a number of honest men amongst them who will be able and willing to earn their living; but the great mass of liberated slaves will not exert themselves to make their own living by any honest means. It is not in the constitution of the negro to obtain his living by constant labor: he needs some one to urge him to his duty.

Gentlemen say that slavery has prevented the prosperity of Missouri. Now, whether this is so or not, I cannot say positively; but this I know, that most of the taxes of the State of Missouri are paid in the slave owning districts, after taking out the great commercial points of St. Louis, Hannibal and St. Joseph. We have paid taxes by the labor of our slaves; we have grown our produce, and it has been sent down the Missouri river to St. Louis, and we have made that city prosperous and great by the slave produce we have sent there; and if gentlemen will take pains to examine the matter, they will find that since this war commenced the slave districts have paid at least the largest share of the taxes of Missouri. This fact shows two things: first, that the owners of slaves are attending to their business at home peaceably, while others are in the war, in the rebellion. The men who own slaves are at home diligently attending to their labor, loyal to their duty and the Government. Sir, our slaves are not aiding the Southern rebellion; they are aiding the United States Government; they are paying taxes to the Government of the United States, and I say that neither they nor their masters are disloyal. Gentlemen tell us we shall do better and get richer by getting rid of our slaves. I think just the reverse is true, for we shall not only be deprived of the profits of slave labor, but our lands, from their reduced production, will become of less value, for it will be many years before emigration will pour into Missouri. Our lands will fall in value in consequence of having no hands to work them.

But gentlemen say slavery is immoral—that we are immoral because we own slaves. I have no right, Mr. President, to question the sincerity of gentlemen who make use of such arguments, but I would just ask these gentlemen to go up into the district of which I have spoken. Howard county, which I have the honor to represent, was settled in 1811, one of the earliest settlements perhaps in Missouri. The settlement was made by men, some of whom and whose children still live there. They fought the Indian and drove him from their settlements. They brought their slaves there, and their descendants are now making their living by their honest industry and that of the slaves who are committed to their care. I ask gentlemen to come there, and if they do not find the people of Howard county as noble a people as ever lived, then, sir, I know not what are the promptings of noble and generous hearts, and know not where to look for them.

If, gentlemen, we have to yield to necessity, if the war is to deprive us of our property, let it be so; but I ask gentlemen of this Convention not to assist others in doing us a wrong. Is it any reason because some disloyal slave

owners have proved false to their country, that loyal men should be made to suffer? The State, I say, is a loyal State. Then look at Kentucky—noble old Kentucky; she is a slave State *still*, and *refuses to give up her slaves*. Is she disloyal? Has not Kentucky stood nobly up for the Constitution and the Union? Has she not sent regiment after regiment in defence of the country and the flag, as Missouri has done? Has she not fought the battles of the Union in good faith, and stood by the Government and the Union side by side with Illinois, Indiana, or Ohio? It by no means follows, sir, that because Missouri is a slave State that she is necessarily disloyal and for the rebellion. Missouri, as a State, is true to the Union and the Government; her slave owners, *with few exceptions*, are loyal and true, and in their behalf I ask for that just consideration of our interests which it is our right as well as our privilege to demand, and your duty to grant.

Mr. Orr. The gentleman who last addressed us referred to a remark of mine, that the emancipation question that has been thrust upon this body will of necessity divide the Union party. I urged it upon the gentleman from St. Louis as a reason for not bringing up this question, as it would require all the strength of the Union party to put down the rebellion. The question *will* divide the Union party; but it does not by any means follow that because I am opposed to emancipation that I am going to give aid and comfort to Jeff. Davis.

While I do not intend to vote for any proposition of emancipation, I do intend to vote for every amendment that will tend to make the ordinance that is before the Convention better. And for a moment I want to call the attention of this body to the 5th section: "The General Assembly shall have no power to pass laws to emancipate slaves without the consent of their owners." What do you mean by this? We are abolishing the very Constitution that has reference to slavery, but we say that the Legislature shall never do it without the consent of the owners. Does this body take the ground that it has more power and authority than the Legislature that confirmed this Constitution? Do you mean that another Convention cannot be called by the authority of the Legislature that may abolish slavery? I suppose another Convention would have as much power as this, unless this Convention is governed by some higher law than has been supposed.

I want, sir, to notice briefly some of the details of the 2d section. After stating that after 1870 slavery shall cease, it says, "provided, however, that all persons emancipated by this ordinance shall remain under the control and be subject to the authority of their late owners," &c. "Those over 40 years of age, for and during their lives." The Governor gave his reasons for thinking that slaves over 40 years of age should remain with their owners during their lifetime. He said it would be ungenerous and inhuman to turn them loose at that period of life. But supposing a slave had only just been bought by an old, gray-headed white man, then I suppose it would be the duty of the white man to work for and maintain the negro. Then again in the case of young children. He takes the young negro born but yesterday, and the white man has to work for that, and he continues to do so till the term fixed upon expires, and he has to be turned out loose upon the world. This is certainly a species of justice and humanity that I have not yet learned. It certainly is improper to turn negroes loose upon the world who are unable to maintain themselves—he has some rights that should be regarded; but if it is for the benefit of the State and Nation, and mankind generally, to abolish slavery, to interfere with the master's rights, and to turn the old and decrepid and the young out upon the world, why let us make some reasonable kind of provision for it; let the whole State be taxed to meet the necessity; do not throw the burden upon those least able to bear it. Gentlemen will find, as they proceed in this matter, difficulty after difficulty rushing up; and I would urge upon them to pause before they change the relation of master and slave to that of master and servant. I contend that the only safe and the proper position for the white and the negro race is that of master and slave; and if you determine to alter this relationship you had better make arrangements for getting rid of them entirely, and we will try to get on without them.

Mr. Schofield. Mr. President, I accept as a truism the statements of many distinguished gentlemen who have preceded me in this debate, that the question of emancipation is a very grave one, and demands the best efforts of this body. The interests proposed to be affected, the relations that will be severed, the legal rights that will be annulled, the amount of property that will be rendered valueless—the revolution in moral principle, in political economy and State

policy, each separately, and all together, make up a problem too profound and complicated for ready solution by any one mind, however bright the genius or profound the wisdom. But it may not be wise, on account of the profundity of the subject, or for the reason of a failure at first, to devise a plan of emancipation acceptable to all parties, to abstain from efforts altogether and give the question over to a hopeless resurrection. Sir, the solution of the slavery question has engaged the minds and labors of the wisest and best statesmen and philosophers the American continent ever produced; and yet that question remains a puzzle and an enigma, defying all the logic and philosophy of the intellectual world. Presidents, Senators, Governors, and officers of State, with less power and dignity, have been elected to position under promises that they would harmonize the discordant elements produced by the slavery agitation during the last twenty-five years and more; but Presidents and other officers elected to places of power on such issues have lived, and acted, and died; yet slavery lives, and lives in the midst of war, desolation, blood, fire and sword. Sir, the power of the press, of the pulpit, of moral lectures, of stump orators, and lesser crafts floating in the political channels, thronged by vulgar demagogues, together with all other opposing combinations, consistent with law and order, have been directed against the system of American slavery, with all their moral weight and force; but notwithstanding all, the toes of the feet of the image only are affected. The fortress shielding the institution of slavery seems to have proved impregnable against the attacks of logic, moral suasion, oratory, and political strategy. Such a power, if engaged in dispensing good, is valuable to an indefinite degree; but if productive of evil, whether civil, political, or moral, or all together, the extent of the danger accruing from the influence wielded can only be measured by the power acting. Sir, if I understand the real merits of the question before the Convention, the institution of slavery, by the action of this body, has been put upon trial for life and existence, so far as this State is concerned. The charges preferred against it here and elsewhere, if true, make it a criminal in the highest degree; but if the charges be false, it and its friends are entitled to the benefit. It is claimed that the tendency of the principle underlying the institution of slavery is aggressive in its character, and subversive of the real designs of civil liberty. To establish the truth of the charge, the nullification doctrines announced by Calhoun of South Carolina, and reduced to practice by the civil authorities of that State against the General Government about the year 1832, is adduced to verify the allegation. Later in the history of the events of our country, other proofs to establish the same point may be gathered from historical accounts of lawless acts perpetrated against individuals and communities, by the direct or remote action of slaveholders, that circumscribe individual rights by tyrannical means. Men by scores and hundreds who have emigrated from free to slave States within the last twenty-five years have been mobbed, tarred and tortured, and more or less of them murdered, at the nod of the slave power, simply for the reason of entertaining opinions and for quietly expressing them that were adverse to the institution of slavery. Such acts have been perpetrated in this State, and within my own knowledge and to the knowledge of more than one other gentleman on this floor. The soil of Andrew county is stained with the blood of a victim of this kind, and the dark deeds and the names of the parties who perpetrated them are registered in a book, that they may be transmitted to posterity, that it may be known in years to come who were and who were not the violaters of the civil rights and the religious privileges of freemen, and who the bold and defiant usurpers of those rights. For further proof of the aggressive proclivities of the slave power in our country, read the history of affairs in Kansas as they transpired before and during the political struggles of the people in that territory, in their attempts to form a Constitution for themselves, preparatory to their admission as a State into the Federal Union. Did not men by scores, and hundreds, and thousands, old and young, who were permanent citizens of this State, go over and attend the elections in Kansas, take forcible possession of the polls in many instances, and vote to elect officers and make laws for the people of another State? And what class of men in Missouri did those represent who made those election raids into Kansas? Were they not for the most part pro-slavery men, and *all* under that influence? How, I ask, could citizens of this State go into another, take possession of the polls, and then vote, in violation of all the provisions of law, and not incur the displeasure of honorable men, and be justly chargeable with the moral turpitude of perjury? Are not such acts reprehensible and

well calculated to engender strife and civil commotion? The counties of Jackson, Fayette, Clay, Platte, Buchanan, Andrew, and others, were deeply involved in that lawless enterprise. It is true that many slaveholders did oppose those outrages on the rights of citizens of another State; but they were only exceptions to the rule. It must be admitted that those scenes in Kansas, enacted by citizens of this State, intensified the slavery agitation all over the country, and that excitement never did and never will abate, but continue to swell to larger and greater proportions, and assume more and yet more threatening attitudes, until the subterranean fires, fed by the fuel suited to the nature of the desperate designs contemplated, shall have exploded, leaving a civil and moral desolation as monuments of the destroying flood.

Have I arrived at conclusions too soon that seem to impeach the pro-slavery party in the country with having been the main originators of the revolutionary spirit that forced men to desperation and into an armed rebellion against the United States? Did not Alexander H. Stephens of Georgia declare in a speech, in the incipiency of the rebellion of the slave States, that the design of the leaders was to establish a new government, "the chief corner-stone of which should be slavery"? And who is Mr. Stephens? All know that at the time he announced the sentiments alluded to he was Vice President of the so-called Southern Confederacy, and still holds that position. Are not all the leaders in the rebellion slaveholders? Are not all the States that seceded from the Federal Union slave States? Were not all the leading rebels in this State who at the first advocated the right of secession, and are not all the rebels now remaining, and all sympathisers with them, either slaveholders, or persons influenced by that class of men?

While I dare not deny, with the facts of history before me, that the slavery party in our country is responsible, as a party, for the armed rebellion against the United States, I regret, as very likely many who hear me do, that I am forced to the acknowledgment of that fact, by the influence and power of positive proof too plain and conclusive to be questioned by any man who may hope to sustain a character for honesty and fidelity with those who regard truth a virtue. Sir, there may be slaveholders here—and I know a few who are not, that used untiring efforts from the commencement of the rebellion, and are still exerting their powers against the plottings of traitors, and in favor of the Union and its perpetuity—who are honorable exceptions to the mass of the party by whom they are identified by property interests. Such are worthy and entitled to honorable exemption, when the crime and guilt of the rebellion is placed to the account of the slaveholders of our nation.

Gentlemen have asserted, time and again, during this debate, and the same assertions have been made ten thousand times before, and will be as many times hereafter, that Abolitionists are the real cause of the civil war in our country. Let me ask, right here and now, what the responsible cause is for the existence and action of the Abolition party in these United States. Could there be an Abolition organization in our midst if there were, and never had been, any slavery in the land? Abolition is an antagonism of slavery; and if its creator had never existed the offspring could never have lived and acted. Allow, for the sake of testing the argument, that Abolitionists are responsible for originating the war, as gentlemen have claimed, is it not equally true that slavery generated abolitionism? If so, all that is gained here by the argument of the pro-slavery party is that it created an agent or power capable of destroying its cause rather than to use the cause for its own destruction. Sir, I have not claimed, nor shall I, that the simple fact of a slave serving his master, or of the existence of a legal right of the master to such service, necessarily engenders a spirit of rebellion in him. The cause producing a spirit of rebellion in the minds of slaveholders must be looked for in another direction. It may not be agreeable to some that the real cause should be stated that engenders, in the minds of the masses of slaveholders, a spirit of rebellion; nevertheless it may be proper to indicate it. Man is a creature capable of being influenced by habit, and becomes confirmed in practices acquired by the force of the power of association, so that actions, influenced by such a process, become natural as original instincts. The use of arbitrary power by a master over his slave, and that power being conferred by law, is what creates in masters an inordinate thirst for supremacy; and that feeling, no matter from what cause it originates, will, in the nature of things, create a dislike of acknowledging a superior, whether it be in the form of man or law. That the relation of master and slave has a tendency to produce a haughty and self-consequential feeling in the former there can

be no doubt; and equally true is it that such relations are incompatible with the principles of civil liberty.

Sir, the testimony of rebels themselves, without any other proof, is sufficient to establish the fact beyond all cavil, that slavery is the cause of the rebellion against the United States Government by the people of the South. When parties to the rebellion, and others sympathising with them, admit that slavery is the cause of the war, they should not find fault if others believe their assertions, and recite their testimony to establish the fact. If, then, it be admitted that slavery is the cause of the war, how long would a wise and sound policy dictate it should be perpetuated? If slavery is a power almost invincible, and that power is so directed that it produces crimes and dangers degrading and dangerous to the existence and character of the nation, can a monster so great be destroyed too soon? If you would dry up the stream, you must first stop the flowing of the water from the fountain. If you wish to stop the rebellion, destroy the cause and the effect will cease.

At this point, real and professed Union men are at issue, the professedly conservative party claiming that slavery is not the cause of the war, and therefore should not be abolished; while the real Union element makes it the real cause of all our present national troubles, and demands it should be destroyed at the earliest moment. That man or party that is ready to sacrifice all on the altar of his country must be more devoted to its interests than he who renders devotion first to the negro. To discriminate justly at this point, we have only to apply the divine rule that asserts, that "he that is not for me is against me;" or substitute the rule laid down by Stephen A. Douglas when he declared, that, in a conflict like the one now in progress in the United States, there can be but two parties, "patriots and traitors."

Sir, gentlemen talk about conservative grounds as though there were a spacious arena long and broad enough for all the honest men in the nation to stand on, and seem to think it located at about equi-distance from the positions occupied by the most extreme rebels and the most patriotic friends of the United States. I cannot believe there is any neutral ground on which any honest man can stand between treason and loyalty. As the dividing line between truth and error is defined, so is that between treason and loyalty; and the two contending parties now in the field mark the road the friends of each may travel. If we adhere to the divine rule as our guide, we may rest in hope while the maddened waves roll on; but to disregard that teaching will leave us to the mercy of the tempest, without a chart to guide or a pilot to steer the destiny of our nation to a haven of safety.

The day has past when emblems of the Union, or loud professions in its favor, will be taken by honest and true loyalists as satisfactory proof of any man's loyalty. Those emblems, and the declarations of Union sentiments, have been too often of late polluted by being used to cover up traitors. For a long time great efforts have been made by the worst of rebels, and their sympathisers, to monopolize all the names, and appropriate them to their own use, that could fairly represent the sentiments and principles of the real Union men of our country. By such strategy, rebels have deceived some, and hope to be successful in the future; but the trick is discovered, and the chances for them to win hereafter are not good enough to insure the confidence of skillful performers. Sir, we have a class of pretended Union men who talk about peace; but all they mean by it is to influence Union men enough, if they can, to stop fighting for the Government, that the rebel army may march on without opposition, and overrun the country. They talk about conservatism; the Union as it was, and the Constitution as it is! And what do they mean by all that? So far as the majority of men—and the high-priests of that persuasion especially—are concerned, they affect to use the standard-bearer, floating the white flag, for the purpose of covering up treason, and with a design to evade the fatal consequences the laws of the land denounce against it.

Who are the destroyers of the Union as it was? and who are seeking to overthrow the Government, and with it, the Constitution as framed by our fathers? They harp on the old Democratic string, with a hope of reviving old political prejudices in order to get back into decent company again, that they may compound treason with politics, label the package with "Democracy," and thus evade a fatal blow by the aid of a Democratic shield. Sir, I cannot entertain a very high regard for the old Democratic name, since Buchanan, and Jeff. Davis, and all the other leaders in the rebellion who left the old National craft, wrapped themselves up in the democratic cloak, and sailed out on the open sea of rebellion, in a pirate vessel. I remember that all the States that have seceded

from the Federal Union, and all that desire so to do, marched out, and desired to march out, under the banner of Democracy. I understand that all the distinguished leaders in the grand army now fighting to destroy the Government are all Democrats. I have heard, too, that all the professed peace men, constitutional croakers, lovers of the Union as it was, haters of Abolitionists, defenders of the freedom of speech, of action, of the press, and all the conservatives, too, who infest this State and all the Northern States, are Democrats, and uniformly stay at home, while those they call Radicals, Abolitionists, Black Republicans, Hessians, and hirelings, leave their homes, their families, their all, and run to the aid of our country, struggling in the embrace of death. Sir, before I invest any large amount of money, credit, or moral honesty in Democratic stock hereafter, I am disposed to examine the coin in order to determine first whether it be spurious or true. The indications are strong that the country is being flooded with base counterfeits on the old Democratic bank, and the President of that institution had better examine the drafts on it with great care, lest the treasury be drained before all the real issues are cancelled.

Mr. President, much has been said during this discussion about the unconstitutionality of the acts of President Lincoln, and especially of that one act which, by proclamation, declares free all the slaves of rebels. I do not intend to go into a lengthy discussion of this question as I am not a lawyer, but shall content myself by stating a few facts, supported by the Constitution of the United States. That authority justifies the disfranchisement of any citizen who may take up arms, or who gives aid and comfort to those who have, against the authority of the nation; and all such, by the sanction of law, lose the right to hold any kind of property, no matter what.

The Constitution as it is, if fully executed against rebels and their sympathisers, who are so industrious in finding fault with the President for violating it, would be relieved of all the loose change they may have, and of their merchandise, lands, and slaves, too, if they have any, provided the laws were faithfully executed against them. Sir, the very parties complaining so much about the failure of the Government to give at this time all the protection to property it did in times of peace, are parties who have aided with all their abilities to raise barriers so high and strong as to render it impossible to be overcome by any civil power the Government at this time can exert; and then, after blocking the wheels to check the force of the civil engine, and while holding the lever power in their own hands that produces the result, those same parties raise a clamor against the President for not doing the very things which they are striving with all their power to prevent him from doing. How many grains of moral honesty would it take to make a compound, with virtue enough to finish up thousands of characters moral enough, to make an even balance with such hypocrites? That very class of men have destroyed all the guarantees of slavery by fighting and weakening the civil and military powers of Government, so that it cannot protect slavery if it desired, and pro-slavery men know that fact; and yet, with the bold audacity that could scarcely be excelled by the Prince of Devils, they make the charge, that the President and the party coinciding with him have destroyed the institution of slavery.

When rebels commenced fighting the Government of the United States, they undertook the task of destroying the only power that ever can exist on this continent strong enough to protect and perpetuate slavery; and besides all this, they obliterate, if they destroy the Constitution of the United States, the only proof admissible in the civil tribunals of other nations, as well as in those of our own, that they *have* any civil right to hold a slave, or to require him remanded if he escapes. That moment slaveholders took up arms to fight the United States they became the armed allies of the Abolition party in our country, by fighting with the sword the same power the Abolitionists were fighting through the ballot-box; and whether they succeeded in destroying the power they were fighting against by the means they were using, or whether Abolitionists succeeded by their policy, or whether both together accomplished the work, the result must be precisely the same; for the cause being destroyed, no matter by what means, the effect must cease. If the power that sustains slavery be destroyed, whether by sword or by votes, slavery, as a matter of necessity, will be extinguished.

Sir, it has been declared by gentlemen, during this debate, that when in after times the Democratic party shall have gained political ascendancy over the powers of the General Government of our country, then all the losses sustained by slaveholders will be repaired. I

have to confess that to me the beacon of hope illuminates but dimly in that direction, and the object gentlemen seem to contemplate by the success of the Democratic party to power again is just beyond my mental vision, while I stand on the platform of the observatory erected by Democratic hands, and reason from predicates that party has furnished the world by its former action. I shall be slow to belive that the Democratic party would originate a rebellion that could have no other effect but to crush the vitality of the nation, by destroying, or seeking to destroy, all the sources of its wealth and power, and then, after the calamity had passed and the storm subsided which it had vitalized, go to work with the honest purpose of repairing damages. If the Democratic party would not or could not stop the rebellion in its incipient stages, when holding the reins of the General Government and those of all the States at the time they seceded, it would not be safe, in my opinion, to trust to that party the important work of stopping the rebellion now; and much less would I confide in its honesty or capacity to repair the damages it has done.

Sir, gentlemen talk about protection and compensation for slave property, as though the parties interested in that kind of property had rights, and were entitled to considerations beyond other citizens of the State. If it be considered pertinent to the subject matter of this debate, I would ask why slave property should be entitled to any more protection, and why a loss of that kind of property should be compensated for sooner than any other kind of property? Is not the loss of a thousand dollars in gold, to him who is the sufferer, equal to the loss of a thousand dollars' worth of slaves by some other party? I see no justice in remunerating men for the loss of slave property, while others, who suffer in the loss of money or merchandise, are left without provisions of law to replace the loss. Before the rebellion slave property had all the protection it needed to make it as safe as any other property in our country. Now, it needs more protection; but unfortunately the slavery party, whose interests and security demand that additional protection, are fighting the very party of whom they ask it, and the *only* party in the wide world who can possibly grant it. That slaves need more protection than other property in times of war, I grant; and the reason is that, unlike any other kind of property, they can reason, think, talk, and run, too. If the United States was at war with a foreign nation, I would be in favor of granting that extra protection; but since the parties who need the protection are fighting the only power that can grant it, they should not find fault in its being withheld, so long as their own action forces that result.

Sir, if the slaves in this State are to be emancipated by the action of a Convention, under all ordinary circumstances, loyal owners should be compensated; and even in times like these, if the State were not already in a bankrupt condition, I might favor a reasonable compensation to real Union men; but at present the liabilities of the State places the question of compensation beyond the reach of debate. I shall never consent to compensate disloyal persons for the loss of any kind of property, any sooner than I would consent to pay an insurance policy, if president of a company, after hearing the property had been destroyed by a fire kindled by its owner, for the purpose of securing the premium. This reasoning is *à propos* to the mass of slaveholders, as they have inaugurated a civil war for the avowed purpose of securing a premium on the value of slaves; and now, if by their own acts they have rendered that kind of property worthless, let them reap the reward of their own labors, and endure the sting of the scorpion in their own bosoms. But suppose this Convention were to decide that all loyal owners should be compensated for the slaves emancipated, I cannot believe, with the light before me, that five millions of dollars would be required to pay the draft, and very likely one-half that amount would balance the account.

Gentlemen have urged the policy of gradual emancipation, and servitude or apprenticeship to follow. I cannot consent to support such a policy, for the reason that, in my judgment, it does not satisfy the demands of present emergencies, and that nothing less than immediate emancipation, without compensation, will quiet the masses of loyal citizens in our State at the present time. If immediate emancipation should be adopted by the Convention, I would favor the appointment of a Commissioner to take the census of all slaves in the State, and ascertain the status of their owners; so that a Legislature, at any time hereafter when the financial condition of the State would justify, might, if so directed by a vote of the people, appropriate a sum of money sufficient to pay for all the emancipated slaves of loyal

owners, at a rate equal to their value at the time of their emancipation.

I have but little hope that the ordinance submitted to this Convention by the majority of the *Committee on Emancipation* will satisfy the truly loyal citizens of the State. The remote period fixed by the ordinance for the abolition of slavery, the clause engrafted on it that exempts slaves from taxation hereafter, the fact that all slaves over forty years old are to continue slaves for life, and the all-important fact that no provision is made in the ordinance for submitting it to the people for their approval or rejection, are quite sufficient reasons, in my opinion, if no others existed, to warrant the conclusion that it will not meet with favor by the people. Seven years is too long to continue in existence a cause, of which the rebellion is considered its legitimate offspring.

Again: by the conditions of the ordinance now under consideration, all slaves forty years old or over, at the time it goes into effect, are retained *in bondage for life*. *This is one of* the most objectionable features of the ordinance, and will render it unpopular enough without any other aid to warrant its rejection by the people, if they are allowed to decide that point. By that clause, should the Convention adopt the report of the committee, families will be separated, and the very support that is indispensable to the wife and children, to enable them to enjoy freedom after gaining it, is denied them by the ordinance of freedom itself, in that it holds the husband and father in perpetual bondage. The idea of an ordinance of emancipation that holds the slave in perpetual servitude, is a masterpiece of political mechanism that will not be likely to be excelled in the nineteenth century. It may do, in ordinary times, for law-makers to attempt the practice of fraud on the *people, and deceive them; but in the* stern realities of the present hour, honesty and patriotism should rise above personal ambition and political consideration, and act for the best interests of the people and State.

Sir, if I understand the business of this Convention correctly, we are here as the agents of the people to transact business for them, and when we act we should act in harmony with the people, and carry out their wishes. I shall never consent to the passage of any ordinance by this Convention, no matter what its conditions are, provided it makes no provisions for being submitted to the vote of the people; they are the source of all civil and political power under our form of government; they are the parties for whom all laws and constitutions are made in these United States, and they have a right indisputable to rescind or confirm the acts of their servants, which right, no Convention or Legislature chosen by the people have the power to legally abrogate. Gentlemen have made arguments to justify this Convention in deciding to not submit its action to the people, based on the assumption that they would reject any ordinance that might be passed by this body. The fact that the people would reject, by their votes, any ordinance that may be passed by this body, I do not doubt; but that fact furnishes no good reason to justify this Convention to withhold from the people the means of giving such an expression; but, on the other hand, such arguments are the best that can be made to satisfy any man that the ordinance should be submitted to a vote of the people. This Convention is afraid of the people, and no wonder it should be, after usurping their rights as it has, and now using all its power to take all the means from them by which they can legally enter their protest against the acts of this Convention.

Sir, the main supporters of the emancipation ordinance, as it is called, and now before the Convention for its consideration, furnish reasons enough to create just suspicions and doubts in the minds of all honest emancipationists in the State, if there were no indications of fraud and deception indicated by the ordinance itself. The ordinance under consideration is being almost exclusively supported by pro-slavery men, almost all of whom are opposed to any kind of emancipation at heart, and many of them, who have indicated by their speeches that they will vote for the ordinance, say emphatically that when they vote for it, they vote under protest. If any true emancipationists up to this time have indicated a design to support this ordinance, I am not apprised of that fact. That class of men are looking for a measure that will be acceptable to, and that will be sanctioned by, the people—a measure that will meet the great emergencies of the times, and one coming fully up to the age of progress in which we live. The tide of rebellion is rushing on with all the fury and rage of an insane monster unchained. The people have arrived at the conclusion that slavery is the main-spring of power that keeps in motion that car of destruction, and, until

that apprehension be removed, that institution will be held responsible at the bar of public opinion for the desolations and death that now blight with a curse the fair fields and happy homes of freemen. With such convictions, the point of time indicated for the extinction of slavery in our midst is the boundary line beyond which it is presumed rebellion cannot pass; and with such convictions is it strange that truly Union men should demand an immediate destruction of the cause of all their troubles? The true patriot, if he owned all the cattle on the thousand hills, all the hidden treasures of earth, all the costly merchandise of the world, all the slaves of the Indies and of the United States, would give it all to stop the effusion of blood, to dry up the tear of anguish, to soothe the sorrows of sighing ones, to heal the broken-hearted, to stay the tide of desolation, to quench the violence of the fiery strife, to support the principles of civil liberty and perpetuate their blessings to a world bound in chains. Is the sacrifice of a few slaves a boon too costly to offer on the altar of freedom? Of what value are slaves after freedom has been crucified by rebels? Of what value is gold after all the inspiring influences to induce men to seek wealth, and all the resources of pleasure to be purchased by it, have been buried with the lifeless body of freedom, leaving hope to linger in despair over the fatal spot, while all the nations of earth weep over the brightest star of nations fallen? Who inaugurated the present national strife? Southern slaveholders. Who have sought the alliance of European monarchs? Southern slaveholders. Who robbed the National armories, National mints, and National treasuries? Southern slaveholders. Who advised the violation of sacred contracts, and counselled men to not discharge their legal and moral obligations, if the pledge had been made with Northern men? Southern slaveholders. Who fitted out pirate vessels and sent them to sea to prey upon the commerce of the United States? Southern slaveholders. Who first raised a hostile army to fight the United States? Southern slaveholders. Who is guilty of all the blood, all the suffering, all the devastation and all the woe now being endured by the Nation? Southern slaveholders. Who has caused to be slain a million or more of American freemen, and filled the cities of the dead with lifeless inhabitants? Southern slaveholders. Who made the hundreds of thousands of wives widows, and of children orphans, all over the land? Southern slaveholders. Who inaugurated jayhawking, bushwhacking, theft, robbery, assassination, and every other brutal practice now prevalent in our country? Southern slaveholders. Is there a crime possible for mortals to commit that rebels are not guilty of? Have mortals ever endured sufferings that have not been reproduced by rebels? Have the brutalities, debaucheries, demoralizations, and the total disregard to the demands of humanity, as manifest in the practices, and conduct, and teachings of rebels, ever been excelled by savages or barbarians? To human view, the turpitude of the sins of the angels that fell, and possibly the sin of Judas Iscariot in betraying his Lord, can only excel the sins staining the souls and bodies of traitors. From such a polluted mass of corruption I turn to seek objects more pure and congenial on which to gaze, while travelling down the plain of time to the ocean of eternity. And when day and night shall cease, when the sun of time shall be eclipsed by the brighter rays of the morning of an endless day, when the echo of the last note of the final trump shall have died in its flight over the distant landscape, when the last ship of transit from time to eternity glides away from its earthly moorings, and when at a distance the eye shall behold for the last time a wrecked earth, receding from mortal view—then, if not before, let the mind and vision, too, be closed forever from the contemplation and sight of the scenes of carnage and strife produced by the rebellion in the United States, inaugurated and conducted by slaveholders of the Southern States, which saturates the earth with blood, shed by traitorous hands.

Patriots of the revolution of 1863, the eyes of the civilized world and of your fellow-countrymen are turned toward you—be faithful to the cause of freedom struggling for life. Bring all your gold and silver, your flocks and herds, your slaves and lands, your physical and mental powers, and your all, and place it on the balance in favor of the honor and glory of our common country, in favor of the priceless boon of civil and religious liberty, and the wise and good of this and succeeding generations will bless you through all time; and He whose right alone is to crown with immortal honors will assign you a place with the stars of the first magnitude, in the galaxy of immortalized patriots.

You who hear me to-day, and who are members of this body, have a duty to discharge

that will affect not only the people of this generation, and those of this continent, but the people of all lands, and in all time. The popular tide within this hall is against the true friends of immediate emancipation, but that should have no terrors powerful enough to cause any to swerve from principle or duty. A new era is being untimely forced upon us; let us meet the issues and prepare for approaching events, before the storm deranges the engine of the ship. The last struggle of freedom against oppression of every kind is fairly inaugurated, and we have an important part to act in the mighty tragedy. Let us strike at the monster by casting our votes in favor of immediate freedom to slaves, and whether the blow bruises the head or heel of the serpent, if our intentions be good, the reward of the faithful will be ours.

Mr. President, I cannot vote for emancipation in seven or ten years that should be consummated now; I cannot vote for an emancipation ordinance that does not set free all that are bound; I cannot vote for an emancipation ordinance that enslaves, instead of giving freedom to men; I cannot vote for any ordinance that does not provide for its submission to the people for their approval or rejection, and so I vote against this ordinance.

Mr. DRAKE. The debate this morning has taken a wide range over the whole subject, and the amendment that is before the House has, presume, been well night lost sight of. The remarks I propose to make will be confined to that amendment. Though it is an amendment proposed by myself, except as to the date affixed, I oppose it now.

I consider that we have reached nearly the crisis of our proceedings, and that we are now at that point when the question is no longer one of emancipation or no emancipation, but is simply upon the period of time that is to elapse before the relation of master and slave shall be changed to that of master and servant.

desire, gentlemen, to call your attention to the amendment as I offered it, and as it was amended as to date. I offered here the year 1866, and I stated, in carefully prepared remarks, the principle of action which guided me in taking that position; it was that the date would not leave one moment's doubt upon my mind that our action was placed beyond the reach of any interference, except by the people themselves, through their representatives in a Convention. On Saturday afternoon an amendment was sprung upon the House, to strike out 1866 and insert 1868. Now, gentlemen, I call attention to the fact that not one word was urged *why* 1866 should be struck out and 1868 inserted. No man raised his voice for it; no man said why it should be done that I heard. And yet, without a moment's thought, without a moment's consideration, 1868 is voted in and 1866 voted out. What is the meaning of this? What is the reason that two years should be added, when you agree that slavery must end by November, 1868? I would have been glad if my friend (Mr. Henderson) who moved that amendment had said why it should be put there. There is only one reason that I can learn or think of. But, gentlemen who are opposed to emancipation, and every gentleman here who is for prolonging the period of slavery, I ask you in all frankness, if slavery must end in November, 1868, is it of any concern or consequence to you whether it ends on that day, or two years prior to that date? I put the question to your candor, if slavery must end by 1868, what reason there is why it should not end in 1866?

Mr. HITCHCOCK. They would get two years' more service.

Mr. DRAKE. But they get the two years' service if they emancipate in 1866, for it does not take the negroes away from them. It is not a question of absolute emancipation in 1866 or 1868. If it were, then might occur that which my colleague speaks of; but the amendment for 1866, or 1868, equally gives them the service of their slaves during those two years. No, gentlemen of the Convention, it is not for the sake of the two years. But what do we gain by fixing the date on the 1st of November, 1866? We gain a final, definite and irreversible settlement of the question. You shut down upon the possibility of agitation; you quiet the public mind, and agitation is dead. That is what you gain by the date of my amendment. Now, what is gained by the the substitute of the gentleman from Pike? There is no reason on the face of the earth why he should add these two years. I tell you, gentlemen, that if you do so, the people will find the question is not settled as a finality; it will be left open for agitation. Then, is it not worth while, I ask, to sacrifice two years of time to stop this agitation, if it were only to preserve your slave property from the damage it will sustain in two years of agitation? There is but one explanation, based upon slavery itself, which justifies the putting on of

these two years, and that is, it will give two years more to get the slaves out of the State. That is not the explanation the gentleman from Pike gave; but that is the only reason that can be assigned, if it is once conceded that slavery must end as an institution in 1868. But I would ask gentlemen if it is not worth their while to forego that, to put the question in such a position that a death-blow shall be given to any future agitation on the subject in this State?

Mr. BRECKINRIDGE. I wish, sir, to ask, in good faith, if I understand correctly, that the advocacy of November, 1866, is based on the principle that this is the last date to which the final accomplishment of emancipation can be postponed to prevent legislative repeal? I would ask the gentleman from St. Louis what becomes of that principle, when it is remembered that a *majority* of the Legislature can call a Convention, while *two-thirds* of that body must vote at two successive sessions for amendments to the constitution before repeal can in that mode be effected? and farther, whether in view of that fact it does not occur to the gentleman that emancipation must be accomplished, if his argument be correct, before the next session of the present Legislature?

Mr. DRAKE. No, sir. We are here representing the whole people of this State. Another Convention would in like manner represent the whole people of the State: they could not be elected at the present time without express reference to the will of the people on the subject of slavery. I am perfectly willing to submit the whole matter of emancipation to the people at the polls in the election of a Convention. I so stated on Saturday. I will obey the will of a majority of the people expressed through a convention; but, sir, the case is very different when you come to speak about a Legislature. In 1864 comes a Presidential election; a dozen things, local and otherwise, may enter into the choice of representatives. We come up here with a House of Representatives, a majority of whom are elected by one-third instead of by a majority of the people, as would be the case in the election of a Convention. Men might get into the Legislature who would before the election blink this question of emancipation, and possibly repeal the test oath of 1862. I want the people, if they are to express themselves on this subject, to do so fairly, with the issue fully and fairly before them. I am willing to leave it in the hands of the people, but I want to take it away from the possibility of legislative action.

Gov. GAMBLE. I have framed an amendment, which I propose offering at a suitable time, which would, I think, meet the difficulty feared by my colleague. In the 2d section of the ordinance I would suggest to add words to the effect—"This ordinance shall not be altered or repealed except by a Convention elected by the people."

Mr. DRAKE. Supposing that were done, how easy it would be for the Legislature to repeal that too.

Gov. GAMBLE. I beg the gentleman's pardon; not so, so long as there is a feature in the Missouri State constitution requiring that two-thirds of the Legislature at two consecutive sessions would be required to repeal it.

Mr. HENDERSON. This might prevent the Legislature from amending it at all.

Mr. DRAKE. Then comes up another question connected with this matter, that is, as to the constitutionality and power of this body; and that would be a subject of contention and controversy, and years might elapse before you got it settled. I do not say that I doubt the constitutionality and power of this body, but I do say it is an unsettled question, and that, unless you get a ratification by the people, the doubt will still exist. But suppose it is just as my colleague suggests, then I would ask you why it is you want to put on two years, unless it is to give two more years to the slave owners to sell their slaves out of the State. Do you want to sell them south into the territory covered by the President's proclamation? Does the gentleman from Pike say that the President's proclamation was not effective to make all slaves held in the rebellious States free?

Mr. HENDERSON. Even admitting that the President's proclamation will free all the slaves in the south, and supposing they are there free when the war is closed; if the people there don't think so, and shall be fools enough to pay Missouri for slaves taken down there, I don't know that we need object to it, or that the gentleman from St. Louis should feel particularly disturbed about it?

Mr. DRAKE. I have got the gentleman to speak at last. It is, then, for the purpose of giving the slave owner two years more to sell his slaves down into rebeldom, and to put the money into his pocket, that he wants the two years put on.

Mr. HENDERSON. I answered an assumed possibility on the part of the gentleman from St. Louis, but I do not permit him to put language into my mouth; I said no such thing. When the gentleman is through, I may give him my reasons.

Mr. DRAKE. I would rather have them now. I ask the gentleman, in all candor and frankness, as he did not say when he introduced the amendment what his reasons were, that he will do so now.

Mr. HENDERSON. I will first remind the gentleman from St. Louis, that in the original resolution, offered to this body by himself, he asked for the emancipation of the slaves in Missouri in 1864, and he did not say in this resolution what period of apprenticeship he would require; but he is understood to have instructed the Emancipation Committee that he would assent to a "reasonable" term of apprenticeship. A few evenings after the report of the Emancipation Committee had come in, he expressed his intention to offer an amendment providing for a reasonable term of apprenticeship;—but I will not refer to matters that took place outside of this body if the gentleman from St. Louis has any objection.

Mr. DRAKE. You are at perfect liberty to state anything I said in reference to this matter.

Mr. HENDERSON. I ask the gentleman what term of apprenticeship he would consent to. I understood him to say five years, and not more. I will state to the gentleman my renson for offering the amendment. I came to this Convention unfettered on the subject of emancipation. I am in favor of emancipation. My friend at my side (Mr. Orr) tells me I am one of the most radical members in this body, while the gentleman from St. Louis (Mr. Drake) suspects I am not in favor of emancipation at all. It is quite likely I shall not succeed in getting such an ordinance as I desire; but, if I do not, I intend to vote for the best that this body digests. The gentleman from St. Louis said on Saturday that if the period of emancipation were delayed one day beyond 1866 that he would vote against it.

Mr. DRAKE. I never used that form of expression, though that was substantially my meaning.

Mr. HENDERSON. I am only talking about the substantial meaning of the argument. I suppose, then, the gentleman from St. Louis will vote against any ordinance of emancipation unless it provides for emancipation in 1866. Now, I can tell the gentleman (being pretty conversant with the sentiments of the members of this body) that no such ordinance will be passed by this Convention. I can tell him that the majority of this body will vote against it; and his exertions, and mine too, will fail to carry it. But, if no other ordinance than his can be passed, I will vote for 1866. Let him, then, be honest enough, in case it cannot be carried, to vote for 1868.

Mr. DRAKE. It is not a question of honesty.

Mr. HENDERSON. I moved the amendment on Saturday evening for the purpose of securing emancipation in Missouri.

Mr. DRAKE. Will the gentleman state why he moved his amendment before the vote was taken?

Mr. HENDERSON. Because 1866 would have been voted down by an overwhelming majority. I doubt if 1868 will pass. I think it possible that 1868 will be taken out and 1870 put in its place; and I tell the gentleman from St. Louis, if he wishes, *par excellence*, to be the champion of emancipation in this body, that he must not withhold his support from this proposition; if he does, it will very likely be passed without his aid, countenance, or support. I say it in all kindness, that he should give up some of his crotchets upon this subject, and be willing to support some ordinance of emancipation that *can* be passed. I have not taken it upon myself, though representiag a large slaveholding community, to announce to this body that if my particular views were not adopted I would defeat all emancipation, and vote with the opponents of emancipation.

Mr. DRAKE. I have said no such thing.

Mr. BRECKINRIDGE. I wish to know which of these gentlemen is entitled to the floor.

Mr. DRAKE. I yielded the floor to the gentleman from Pike just to ask him a single question, and he has gone on to make a speech; but, as he has not replied to my question, I again ask him to state the reason for putting on the additional two years.

Mr. HENDERSON. I stated that my reason was, that I considered it was necessary to make the measure acceptable to the majority of this body.

Mr. DRAKE. I move that the Convention do now adjourn till half-past 2 o'clock, P. M.

Carried.

AFTERNOON SESSION.

Convention met at half-past 2 o'clock.

Mr. DONIPHAN, on leave being granted, said, the gentleman from Greene county (Mr. S. Orr), in his speech here a few days ago, referred to his trial before the Military Court of Inquiry in such a manner, that his remarks have been construed into censure of that court by some gentlemen outside of this Convention. As I was counsel for Judge Orr, I take occasion to state that the trial was eminently fair, and conducted in an exceedingly courteous manner. All the witnesses we desired were examined, and no question was asked on the part of the Judge Advocate that was not legal, although many questions, not strictly legal, were asked by me, to gratify Judge Orr. In all respects the bearing of the court was courteous and polite, and exceedingly liberal. I wish to state thus much in vindication of the court, no member of which is here.

Mr. DRAKE. I beg leave to say in the outset of my remarks, that no member can regret more than I do the necessity that is laid upon me to set forth before this body more frequently than I could otherwise desire the views of members of this Convention who concur with me on the subject of emancipation, but who, from not being accustomed to deliberative bodies, and preparing themselves for public speaking, expect me to participate in the debate oftener than would otherwise be the case. Had there been three or four gentlemen who could have participated in the debate, you would not have seen me on the floor one-quarter so often as I have been.

With the permission of the House, I will now proceed. I requested the gentleman from Pike to inform me why he insisted upon adding two years to the period of time that I had fixed upon for emancipation, and which I had fixed upon on principle. I gather two things from the remarks with which the gentleman from Pike interpolated my speech this morning—the first was, that the two years of additional time was to enable the slave owners to send their slaves out of the State and sell them; and the other reason was, that 1866 was too early a date to be carried in this House.

Mr. HENDERSON. I ask the gentleman from St. Louis if I stated the first proposition to be true in reference to myself?

Mr. DRAKE. Not in those exact terms, but such I gather to be the truth; but if the gentleman says it is not true, I withdraw it on the spot.

Mr. HENDERSON. I repeat, I made no such reply.

Mr. DRAKE. I stated the remarks of the gentleman in substance; but if he says that is not the substance of what he stated, I will withdraw it on the instant. Members of the House will perceive the circumstances of the difficulty in which I am placed. The gentleman from Pike moved to substitute 1868 for 1866, without assigning a single reason for so doing. I tried to get at his reasons, and I gathered from his remarks there were two principal ones, which I repeated; but the gentleman will not say whether the first reason I repeated is true in substance or not, and therefore I am left in the dark again. But supposing his only reason was that 1866 would not pass, it was, I say, a strange proceeding on the part of the gentleman from Pike not to give me an opportunity of taking a vote on that date, and, in case that failed, then to bring forward his proposition. No, sir, the purpose was to throw out 1866, and to bring in another and a later date. But, sir, I really have great hopes that the gentleman from Pike will yet come up to my standard. He has been a rising man for several years past. He began his political career in 1849 on the floor of this hall, and there came up then certain resolutions on the subject of slavery, introduced into the Senate of this State by his late Excellency Claiborne F. Jackson, and the journals of the Legislature of this State inform me that the gentleman from Pike voted on this floor for every one of these resolutions *seriatim* and as a whole. These resolutions declared, among other things, that if the Congress of the United States made any attempt to legislate on the subject of slavery so as to affect that institution in the States, in the District of Columbia, or in the Territories, that Missouri would be found in hearty co-operation with the slaveholding States in such measures as may be deemed necessary for their mutual protection against the encroachments of Northern fanaticism. That, sir, was the point to which the gentleman from Pike went on the subject of the relations of this State with the General Government in regard to the institution of slavery.

Again, the gentleman from Pike was on this floor in 1857, when there began to be heard in this State a whisper on the subject of emancipation—only a whisper; and he then recorded his vote for a resolution declaring "that the emancipation of the slaves held as property in this State would be not only impracticable, but

that any movement having such an object in view would be inexpedient, impolitic, unwise, and unjust, and should, in the opinion of this General Assembly, be discountenanced by the people of the State."

Mr. HENDERSON. I desire to ask the gentleman from St. Louis, had he been in the Legislature at the time, if he would have voted for emancipation *without compensation?*

Mr. DRAKE. When my name is called on the vote it will be time enough for me to answer how I will vote on any proposition. But there was no mention of compensation in that resolution; it was that the emancipation of slave property in this State would not only be impracticable, but that *any* movement for such an object would be inexpedient, impolitic, unwise, and unjust, and should, in the opinion of the General Assembly, be discountenanced by the people of the State. But ever since that time the gentleman, I am glad to say, has been rising, except during one short interval, in which he made another record. The gentleman was chairman of a committee of a meeting held January 19, 1861, at Louisiana, in this State, and he reported the resolutions adopted by that body, and among these resolutions was one to the effect that "the possession of slave property is a constitutional right; that the Government owes it to the people of the slave-holding States to see that the said right is not violated, and, in case of a refusal, the State of Missouri will maintain her right to that species of property, cost what it may, and will call upon the conservative element of the country and in every section to support her in her position of conscious rectitude." From that point the gentleman from Pike has been rising. He began five hundred fathoms deep, but has been coming up ever since. I thank the gentleman from Pike. God knows I do not reproach him for the progress he has made. When he came here last winter, I am informed that he made a speech in which he said he was in favor of emancipation, because of this war; but when the war was over, he did not see why he might not be as good a pro-slavery man as before. I ask if the gentleman said so?

Mr. HENDERSON. I did not.

Mr. DRAKE. Enough said. But we came here, and the gentleman from Pike was on the Committee of Emancipation. Now, I should like to know whether he was one of the majority that ordered the report to be submitted to this body, fixing the period at 1876. If any gentleman on the floor will answer me I shall feel obliged, for I do not wish to do the gentleman from Pike any injustice. [After a pause,] I can get no reply.

Mr. HENDERSON. (*Sotto voce.*) Go it in the dark. Does not the gentleman know that I did not concur in the majority report?

Mr. DRAKE. The gentleman from Pike made a prepared speech the other day, in which he announced he was in favor of emancipation in 1873. Look down into the deep waters, and you will see the gentleman's head as he comes up. On Saturday morning, I stated here why I was in favor of 1866, and why I should adhere to that date. Before Saturday was out the gentleman who had been in favor of 1873 comes up five fathoms at a single spring to 1868. He has been rising so buoyantly that I am in hopes he will now come to the surface and yet stand with me upon a firm principle with reference to 1866. Surely, if the gentleman comes within two fathoms of the surface he may possibly come to the surface in time to blow and give his vote for 1866.

And now, sir, I ask the Convention to recur to the point involved in this case, and that is the adding of two years to the period I fixed upon, and what expediency there is in so doing. I impute nothing to any gentleman's motives; but it is a fact, patent upon the surface of things, that while I stand on this floor supported in this proposition by gentlemen from the interior of the State, who cannot be supposed to have any aspirations for high positions, I am confronted here, without a reason being assigned, as by a solid phalanx of gentlemen who are reputed, and are generally believed, to have such aspirations. Now, sir, if any such thing should enter the mind of any gentleman having such aspirations, that I, by proposing 1866 to this Convention, am in the way of any gentleman who may desire to adopt that period, all I have to say to that, is, that I have no aspirations of that description, nor any desire to be in his way.

I have a word to say now in regard to that portion of my amendment which emanated from Gov. Gamble, and was adopted by me, upon the suggestion and intervention of my colleague on my left (Dr. Linton). After concluding my remarks in reply to Gov. Gamble, in which I consented to combine my date with his system of apprenticeship, I considered that the great point was that the institution of slavery should cease to exist in this State at an early day, and to accomplish that, I was willing to take his system of apprenticeship, without, at the time,

examining it, or considering it very carefully. I said I would do it, if this could reconcile the matter. But twenty-four hours' reflection has satisfied me that the system presented in the amendment of the gentleman from Dent (Mr. Holt) is far better for the slave-owner, far better for the slave, and for all the interests of the State, than the amendment which I accepted from Gov. Gamble. Slaveholders here, and gentlemen who live in the midst of slave-owning communities, consider that if emancipation is to take effect it is better for all concerned that all the slaves should come to their freedom at the same time, rather than that part of them should be free long years before the rest. What does Gov. Gamble's amendment do? A child, who, at the period of emancipation, is one day under twelve years, it keeps a slave till he is twenty-three. This is fixing a time without any real philosophy in the case, leaving a part free and part slaves. Some that are old will be left slaves, while the young will be free; and some that are old will be free, while the young will be in slavery. It separates the husband and wife, for, in some cases the husband will be free while the wife will be in slavery, and *vice versa*. The one may acquire property, the other not; one can establish domestic relations, the other cannot; one can contract, the other cannot. It sends confusion throughout the whole negro population from the moment it begins to take effect. Therefore, in my opinion, and I believe it to be the opinion of slaveholders, that if emancipation is to take effect, it should come all at once. Now, there is a principle in this: if you agree with me, well and good; if you do not, well and good. The moment you leave principle in this controversy, that moment you get away to mere expediency or caprice.

Now, what is the bearing of this amendment of which the gentleman from Dent offers to this Convention in the event of the pending amendment failing? It adopts the limit of slavery as fixed by the Committee on Emancipation; it adopts that as the point for the termination of the state of servitude altogether, whether it be slavery or apprenticeship. It terminates slavery, as such, on the day which I consider will make its termination safe beyond all question. Now here are the two extremes. We ask you, instead of making it slavery from now to 1876, to make it slavery up to November 1866, and the balance of the time servitude. That is what the amendment here, in effect, proposes as it stands now, that is, to divide the time between slavery and servitude. Now, with this feature proposed by the gentleman from Dent, and read for information, I say what is the objection to your coming to the time that will give final rest to the people of this State on the question of slavery? Is it nothing to our State that we should have that rest? One gentleman said here, the other day, that our bonds had gone up nearly one hundred per cent. in value in the East since emancipation assumed probability; that they had gone up to 75, when, for two years past, they have been ranging from 35 to 45, or in that neighborhood. Is it nothing that the credit of this great State *is to* be restored? Is it nothing that we should be enabled to go on and complete our improvements? Is it nothing that there should come rolling in upon us a tide of free population to take up our wild lands that no man can sell for more than Congress price to-day, and that a manufacturing population should come here and give an impulse upward and onward towards our future great prosperity? If you can accomplish this by adopting this period of time, the knowledge of it will go over the United States, and over the world, that slavery has been abolished in Missouri past redemption, is it not well worth our while? And now why, for the privilege to a few individuals, who, in the next two years of probable war, can get their slaves out of this State and sell them for money elsewhere, why should we, for this small advantage to them, refuse to come up to that point, when we might make this thing an assured and positive certainty?

I have now, gentlemen of the Convention, presented the point in regard to this matter, and if, acting under the impulse of what I conceive to be my duty, I have spoken so often as to weary gentlemen, all I have to say is I have only endeavored to present the opinions of my constituents, who, I believed, were entitled to be heard in this body through me, as well as through other gentlemen who represent them; with this additional point, to-wit, that some of those gentlemen have good reason to believe that they do not now represent the constituencies which elected them twenty-four months before my election, in opposing, as they have done, the earliest practicable day for the emancipation of the slaves of Missouri.

Mr. BROADHEAD. Will the gentleman say what gentleman he refers to?

Mr. DRAKE. I say, sir, some of those gentlemen have reason to believe that they do not

represent their constituents in opposing the first practicable day for emancipation.

Mr. BROADHEAD. I wish to know if the gentleman means any gentleman from St. Louis?

Mr. GANTT. Do you say we do not represent our constituents in St. Louis?

Mr. DRAKE. If gentlemen are acquainted with the public sentiment in St. Louis, they must have reason to suppose that some of them do not represent the public sentiment of to-day.

Mr. BROADHEAD. I think I am somewhat acquainted with the public sentiment, and I think I know my constituents' opinions. The point of difference between myself and colleague is something like 15,000 votes.

Mr. GANTT. He did not get more than about 4,000, while we received more than three times the number from the city and county of St. Louis. We ran upon the unconditional Union ticket.

Mr. DRAKE. But no emancipation.

Mr. GANTT. Will the gentleman pretend to say that 4,000 or 5,000 votes fairly represent the whole city and county of St. Louis? I scorn such insinuations as the wind that passes by me.

Mr. DRAKE. If the gentleman scorns them, he need not take any notice of them.

Mr. HENDERSON. I regret that the gentleman from St. Louis should have thought proper, in the discussion upon the subject of emancipation, to go back so far into my record. There were other things in that record I was afraid he would find. Why, Mr. President, I could have told him, had he asked me the question, that I voted for Jackson's resolutions in 1848–9. The gentleman has zealously gone back for fifteen years in order to find something in my political records that he deems inconsistent. A shrewd observer of human nature once said, "Wise men sometimes change their opinions; fools never." In that view of the question, the gentleman from St. Louis may possibly deem himself one of the wisest men now living on earth. The gentleman from St. Louis has attempted to prejudice me in the eyes of humanitarian emancipationists, upon the ground that I wanted to give two more years to the slave owners of the State to sell their slaves before this act took effect. I may state, for the information of the gentleman from St. Louis, that I really look upon this privilege to the slave owner as amounting to nothing. I do not think it is a matter of great consequence whether he has the right or not. I think it would be to the interest of the slaveholder to retain his slaves. This is for the special benefit of the gentleman from St. Louis. All that I know of emancipation that I thought advisable to communicate to the Convention I have already said. But the gentleman from St. Louis will continue to speak, and I am driven to reply by his bringing up an old record. Well, Mr. President, in committee I voted — though I dislike much to speak of it, after being abused so roundly — I voted to prohibit the sale of the slave after the passage of this ordinance; but my colleagues on the committee voted me down. I offered an amendment that no sale of slaves should take place after the passage of the ordinance; but it was also voted down. I found that a large majority of the Convention did not want such an act of emancipation, and this is why I gave it up; but my great anxiety for some act of emancipation induced me to give up some of my own views on this subject. My friend from St. Louis seems to think that if he cannot have his particular views adopted, he will accept nothing at all. The gentleman has referred to those resolutions of Jackson's, and also to certain resolutions offered in 1857 by Gratz Brown—resolutions that referred in the bitterest terms to the representative from Pike, Mr. Carr. I voted in this body in favor of using the milder terms found in the resolution, and were I to-day in the Legislature of Missouri, with the Constitution over me, I should vote exactly as I did upon that proposition; hence, since 1857, there is some show of consistency on my part. I do not claim to be "consistent," if by that term is to be understood an inability to appreciate and act upon the emergencies of the occasion. Times change, and in them we change. There is, sir, a necessity now upon the State that did not exist in '57. To get rid of slavery to-day, I might be willing to tax the people of Missouri; but in '57 I would have done no such thing. I voted then as I would to-day under similar circumstances.'

But, Mr. President, the gentleman from St. Louis refers to that record, not to answer the arguments that I made in regard to the subjects then pending, but to endeavor to make me appear contemptible to this body, and, if possible, before the people of this State. I happened, Mr. President, to be at the Legislature in 1859, and my friend, the gentleman from St. Louis, was at that time figuring extensively, and my impression is that some resolutions were pending before the Legislature at that late day quite as objectionable at that date as

Jackson's were in 1849, and the gentleman from St. Louis voted for them and spoke in favor of them. The gentleman from St. Louis, Mr. President, is a very strong, I may say, a notorious Abolitionist to-day. I do not object to that to-day. But he goes back in my record to '49. Now, I will only go back in his record to '59 and '60. My friend had been a candidate in St. Louis, and had been elected by the union of the Old Line Whig and Democratic party, and was their representative on this floor in the Legislature of '59 and '60. I understand that at that time the gentleman from St. Louis denounced in the bitterest terms the radical, revolutionary spirit of those that he now represents. He denounced them as "Jacobins"; he used that very term, I believe, as well as "wild, radical revolutionists." Surely he has changed his mind considerably from that day to the present. In one of the resolutions the gentleman says by his vote, that "the Administration merits the cordial approbation of the State of Missouri." I believe I, too, supported Buchanan; but in '59 and '60 I certainly did not support him. I had been shrewd enough to leave him in '57, in the Kansas controversy; and that "our Senators have proved themselves deserving of the high trust delegated to them, and that they possess our entire confidence."

[Extract read from the House journal, 1859–60, "that we regard the Territories as common property," &c., "open alike to all citizens," &c.]

Now, Mr. President, in regard to consistency, I desire to refer to one fact that has been brought to my attention. The gentleman from St. Louis is now a decided and notorious advocate of emancipation; whether he is more so than I am, I do not know nor care. But in July of '57 my old friend Major Rollins—one of those men that I like from the fierce contests I have had with him—met the gentleman from St. Louis in that city, whilst he was canvassing with Stewart for Governor, and Rollins, having been a friend of the Whig party in times gone by, he supposed he had a perfect right to call upon Mr. Drake to support him in that controversy; and I desire to ask the gentleman, when the proposition was made to support Rollins, if he did not say he could not do it, and that he regarded Major Rollins as the most dangerous man in the State, and almost the most dangerous man in the Union; that he was against him, and hoped and believed that he would be beaten by 25,000 votes; that if Rollins had not already joined the Black Republicans he soon would?

Mr. DRAKE. I have no recollection of having used those words, or words of that import. I do not say they were not used by me. But if I did, they were merely the words of a political partisan. I admit that I was a political defender of slavery till slavery struck at my country; then I changed, and I pity in my heart the man who has not changed.

Mr. HENDERSON. If the gentleman from St. Louis has merely changed his opinions in the abstract, as to the right and wrong of slavery, I wish to ask him whether, in February last, he did not say to Major Rollins, in Washington, that he was in favor of gradual emancipation, as against any other system of emancipation, after Rollins had explained to him his own position; and if the gentleman from St. Louis did not say that he intended to open the ball of gradual emancipation in Missouri, and would join Rollins heart and hand?

Mr. DRAKE. I may have said so, though I do not pretend to remember my conversation in hotels in Washington City. I admit that I have changed my position toward slavery, and I give an all-sufficient reason for it; but the gentleman from Pike jumped up no less than five years from the position he took in his written speech, and gives no reason for it.

Mr. HENDERSON. The proposition offered by the committee was one to terminate slavery without apprenticeship in '76, while the gentleman's proposition carries it beyond '73. I said I favored it terminating in '76, without servitude, but the proposition now does not terminate servitude by any means. It terminates slavery in '68, only five years hence, but continues a system of servitude for many years beyond.

Mr. DRAKE. I have been arguing against the amendment I offered on Saturday, for the purpose of getting substituted for it the amendment of the gentleman from Dent, which provides that slavery shall cease in '66, and servitude in '76.

Mr. HENDERSON. In 1859 Mr. Drake, by his vote, as I find by the records, approved of forcing slavery upon Kansas. Now he takes it all back, admits that he was wrong. We find that in February last he was, by his own admission, opposed to all schemes of immediate emancipation, and in favor of gradual emancipation; and now, at last, he says he is trying to defeat his own proposition. Why, Mr. President, where *is* the

gentleman? It is a very ungrateful task to me to refer to the gentleman's record; but I can assure him if he had allowed my record to sleep in the past, I never would have troubled his. I said this morning that I would vote for '66, for '73, or '76, rather than go away from this body without emancipation; but I understood the gentleman from St. Louis to say, within the last twenty-four hours, that he would vote for no scheme except his own.

Mr. DRAKE. I did not say that. I laid it down as a principle that I would vote for no scheme which left emancipation open to be repealed by the Legislature before it should take effect; and that I took the last day in the calendar that I would vote for on that principle. I did not say that if you gave me a later day, with irreversible certainty, I would not vote for it.

Mr. HENDERSON. I am glad to see that the gentleman from St. Louis has some principle upon which he acts in this matter. I advocated and am yet ready to vote to terminate slavery in January, 1873, but I am not bound to that or to any other precise scheme, as the gentleman from St. Louis seems to be. The gentleman said in his speech, "if this body refuses to adopt," &c. "This, gentlemen of the Convention, is the position I have taken, whether I stand alone or whether I am supported by others."

Mr. DRAKE. The gentleman takes detached sentences from my speech, and does not take them in the connection in which they stand.

Mr. HENDERSON. I have no desire to misrepresent the position the gentleman has taken upon this subject before the house. He says he *has* taken his position, whatever may be the consequences. There can be no mistake about that. I hope, Mr. President, we shall be permitted to vote upon this question. I came here to help to pass some ordinance of emancipation that will give peace and quiet to the State. I am willing to make concessions; but the gentleman from St. Louis asks us to yield up everything, but he will make no concessions. This State has been dragged into this war against the protests of the very men who are now willing to make concessions and sacrifices for her future peace and welfare. We have all united heart and hand to drive back the invader from our soil. Gentlemen may recollect, in the spring of '61, when fierce and wild passions ran through this State, and it was dangerous in certain parts to be known to have acted with the majority of this body, 88 out of 99 were slave owners, and it was they who saved the State to the Union. It is useless to deny the fact that if Missouri had seceded in March of '61 Maryland would have followed suit; and if Maryland had gone, Kentucky would have followed; and I appeal even to the gentleman from St. Louis, if Missouri and Maryland and Kentucky had turned their backs upon the Union, whether the Union cause would to-day be triumphant, or whether, if these States had gone on the side of the rebellion, whether it would not have been successful? If every slave State had seceded in '61 no earthly power would have reunited the broken links of this Union. Gentlemen here know that these 88 slave owners came up here in this Convention presenting a solid phalanx in favor of the Union. Then, while I may agree that slavery is wrong, that it has had too much to do to bring on our troubles, yet I do not deem it necessary to offend the sensibilities of slave owners here by attacking and denouncing them and the institution of slavery, and driving off those of them who are favorable to emancipation. I appeal to the gentleman from St. Louis to cease such talk; rather let us perfect the scheme of emancipation and go home.

Mr. BRECKINRIDGE. I desire, Mr. President, to say a word or two in answer to my colleague (Mr. Drake). I would prefer to be silent were it not for one two remarks which fell from him while he occupied the floor, and which I think require some response.

I regret extremely the sad evidences of human weakness exhibited by my distinguished friend from St. Louis, and my equally distinguished friend from Pike (Mr. Henderson). I am sorry they have found it necessary to expose the inconsistencies of each other. I do not think it very profitable to them, nor likely to contribute materially to the solution of the difficult problem with which we have to deal. My colleague made one or two sweeping blows which were no doubt intended to fall very near to me, but I was fortunate enough to escape any attempt to fasten upon me such inconsistencies as he and the gentleman from Pike have shown each in the other's course. They seem to have fallen into many vagaries and errors, especially in dealing with this question of slavery; and their better judgment, however strong and clear now, seems to have been ob-

secured and perverted, in times past, in their attempts to follow the tortuous course of Democratic politics upon it, without much regard to consistency, which certainly never was a distinguishing characteristic of that school to which they belonged. Perhaps such consistency as I may claim as my immunity from such exposure as the gentlemen have inflicted upon each other, is due in large part to the fact that I have never belonged to that political persuasion. I can only hope that these gentlemen will profit by their interchange of inconsistent records, and having embraced sound doctrine will adhere to it.

My object, however, is to examine briefly this wonderful principle which my colleague has discovered, upon which he plants himself, and which he invokes as his defence and justification for the position he assumes in announcing, that, though he desires emancipation, he will oppose any plan, however otherwise acceptable and wise, which proposes to tolerate slavery a day longer than that date—the first of November, 1866—which he proposes for its extinction. It was no doubt apparent to his clear and acute mind that, in assuming such a position, and not only making no concession, but rejecting in advance all thought of yielding anything to the convictions or prejudices of others, he was in great danger of appearing to this body and to the country as a factious opponent of emancipation; and being unwilling to occupy that position, he has gone about in search of some principle, or some plausible appearance of principle, on which he might claim to base his action and justify his course. I fear he has first decided what his policy shall be, and then endeavored to frame a principle to suit it; and accordingly, like most principles made to order and to meet a particular emergency, it is of very little value.

Toward my colleague my feelings are, as they always have been, friendly and cordial. I greatly respect him, and I shall say nothing intentionally to wound him; but duty to my constituents and justice to myself require, that I should expose this shallow pretence of principle on which he claims to stand, for which he invokes so much respect, and which he insists commands the support of all of us.

Now the truth is, there is no principle here. The gentleman, urged by the pressure of which I have already spoken, if he really thinks there is, has utterly deceived himself. He says he is willing to fix the date at which emancipation shall finally take effect, at the latest moment at which it will be impossible for the Legislature by legislative action to amend the constitution, and so, per possibility, repeal the ordinance. According to the constitution, two successive Legislatures, voting by majorities of two-thirds of each House, may amend the constitution. Now, as the Legislature meets biennially on the last Monday of December, and thus if there were danger of legislative repeal, which my colleague professes to dread, it could not be accomplished under the constitution before the meeting of the Legislature on the last of December, 1866, (assuming with him that there is no danger that the Legislature now in existence will take such action,) he has appointed the day beyond which he will not go, even according to his own *principle*, at least two months too soon, by naming the 1st of November, 1866.

See now the dilemma into which his devotion to this grand principle brings my colleague. While it is clear that two-thirds of the Legislature, to be chosen in the fall of 1864, must vote in favor of repeal before even the initial step can be taken for legislative repeal, will he tell me what is to hinder the present General Assembly, which is to meet again in November, or (supposing there is no reason to apprehend that that body will take that course) that which will meet in December, 1864, from calling a Convention by a vote of a mere majority, which will have sovereign control over the whole matter?

He says he is perfectly willing to bow to the will of the people, however opposed to his own judgment, whenever declared through a Convention, though such a Convention may be summoned to meet by a bare majority of the Legislature; but utterly unwilling to bow to the will of the same people when declared through two successive Legislatures by the requisite majority of two-thirds, with all the checks and restraints thrown around it by the constitution to prevent hasty action and secure full deliberation, before changing in that mode the organic law. In view of such considerations, I think my colleague's boasted principle is entitled to very little weight; and if no better argument can be adduced in favor of his position and in his own defence, I fear it must be condemned, and he be convicted of a willingness to risk the defeat of emancipation in this body rather than modify his action at all even in matters of detail involving no principle at all. While, however, I cannot appreciate my colleague's principle, I think I have dis-

covered, with the aid of the gentleman from Pike, the secret of his present course. Some years ago my colleague was sent to the Legislature by the same constituency he now represents, under circumstances which would perhaps justify him in believing that he might, if he desired it, be similarly honored again; for, though the canvass was short it was earnest, the vote was full, and his majority large. In his recent canvass for a seat in this body, unusual efforts were made by the entire radical press, which supported him with great earnestness and ability, to bring out a heavy vote for him, he was chosen by a very small portion of the electors, composed to a great extent of a single class of our people, and under circumstances which might very well create the impression, that if the vote had been full the result would have been different. Is there not, then, some ground for the inference, in view of the exposition made by the gentleman from Pike of my colleague's fickleness and inconsistencies on this subject of slavery, that he, thinking he might by possibility be a member of the Legislature hereafter, is unwilling to trust to a body whose action he might largely influence, so important a question as emancipation, or the repeal of emancipation as decreed by us; while, being hopeless of an election where a full vote is polled, as a member of a future Convention, he is willing to confide the whole matter to such a body, fearing from it (he being absent) no capricious change or inconsistent action? Whatever may be the value of these suggestions, in discovering the motives which govern my colleague, they are certainly worth at least as much as the *principle* which he persuades himself controls his action. He is willing, and yet unwilling to trust the people; anxious, as he avows, to submit whatever plan may be adopted to the popular vote for ratification or rejection, and yet unwilling to risk the chance of reversal by the people through the Legislature, even though reversal in that mode, so slow and so embarrassed by constitutional restrictions, is almost certain not to take place under any conceivable change of popular sentiment on the subject.

My colleague has arraigned me and my fellow-members from St. Louis, with one or two exceptions—not however, I am sure, from any unkind motive—because, as he alleges, we do not represent the views of our constituents in regard to emancipation. I deny it in the most positive terms, and I defy him to make good his assertion by proof. But little more than two years ago we were elected by the people of St. Louis city and county, at the close of a most earnest and excited canvass, against active and decided opposition, thoroughly organized, and led by a ticket composed of able, popular and influential gentlemen, and commissioned to represent that community by majorities ranging from five to seven thousand. My colleague, while no doubt highly meriting the confidence of the people, became a candidate at a special election, to fill a single vacancy, when thousands of the citizens of St. Louis were absent on distant battle-fields contending for their country's honor and life, and, after a brief but earnest canvass, was chosen by a fraction over five thousand votes, out of an aggregate of less than one-half the vote which sent us here. I stand here by the choice of more than fifteen thousand of my fellow-citizens—honored by that constituency with their confidence, never instructed, never requested to resign, left to pursue the course dictated by my own conscience, and my convictions of what their interests require.

Mr. DRAKE. I wish to ask whether there was a single word said at the gentleman's election about emancipation.

Mr. BRECKINRIDGE. No, sir, not one word; but I can tell the gentleman this: in the only speech I made in that canvass, I told my constituents, that the power conferred on those they elected would be very great; that their action might reach much farther, necessarily, than any of them then supposed; that I should stand, under all circumstances, without the thought of change, in support of the Union, and of the unalterable devotion of Missouri to it; and that there was nothing that an honorable and loyal man might do that I would not do in their name to preserve the integrity of the Union and to bind them to it. And as I have redeemed that pledge in the past, so now—and with reference to this question of emancipation, not then foreseen as one with which we would have to deal, but clearly coming within our province as a measure of Union, and for the good of the Union—I stand here to redeem, in letter and in spirit, the pledge I then made. But I know, and my colleague knows, with the certainty of mathematical demonstration, that the overwhelming masses of our constituents are for emancipation; some for one reason, and some for another; some as a measure of domestic peace; some as a means of declaring most emphatically and beyond recall for the Union,

and binding this State indissolubly to it; some as the best mode of restoring our prosperity; some as a reform in itself most desirable; some for immediate, and some for gradual, emancipation; but a majority clear and decided, controlled by whatever motive, earnestly for emancipation. And I think I may make bold to say, claiming, as I do, to represent truly the sentiments of a majority of my constituents, that if that very portion of them who sent my colleague here could be fairly reached to-day, could be disabused of the false impressions and prejudices which have been so carefully cultivated among them, and could have fully explained to them this whole question as it stands here to-day, they would not endorse the position he has chosen to assume on this floor, in avowing that, though emancipation is a necessity, and the best interests of the State will perish without it, he will support no scheme which does not exactly, and in the most minute particulars, coincide with his peculiar views, but will rather aid the enemies of all emancipation and the friends of slavery in their endeavors to defeat any measure in this body friendly to freedom. I certainly have very little confidence in my own powers of persuasion; but I would stake my life upon it, that if I could reach those whom my colleague may be supposed peculiarly to represent, notwithstanding his undoubted ability as an orator and in argument, I could convince them of his error in declaring his purpose to oppose every proposition that does not square exactly with his own views, and in assuming a position sustained by no real principle, and announcing that he will under no conceivable circumstances make any concession. It is not for me, perhaps, to express an opinion as to the impropriety of his position; but I do say that it not well for him, as one of the representatives of a constituency who most earnestly desire emancipation, to plant himself in the path of progress of this great reform, whose triumph can only be defeated now by some great folly of its friends, and risk the success of any practicable scheme of emancipation, because of some crotchet about a principle too small to be discovered by any other vision, or because not precisely answering to his own individual judgment as to what is best and wisest. The gentleman says that he has already induced this body to shorten the time at which it is willing to ordain emancipation five years. I shall not enter upon any discussion with him as to the effect he may have had upon others, but I suppose he will hardly claim to have accomplished so much with me. He knows that the proposition I had the honor to introduce on the first day of our session looked to emancipation on the first day of January, 1864, with a subsequent term of apprenticeship. He knows that I prefer an earlier period for emancipation than seems likely now to be adopted; but I desire him and this body to know, and I intend that the whole State shall know, that I am by far too earnest in my convictions of the necessity of emancipation to peril its success, and refuse such aid as I can give in securing it, because I cannot bring the representatives of the people to coincide in all my views as to the proper method to be adopted. I still adhere to my expressed opinions as to the best method, and I regret that I cannot secure its adoption; but I trust the plan which shall prevail will prove by its fruits that it is best, and I shall certainly cast my vote for the ordinance of emancipation which the majority are willing to concede. I shall not attempt to prove my desire for the early extinction of slavery, by voting against a plan which postpones it a few years later than I think best; nor my devotion to emancipation, by voting against and attempting to defeat the only scheme practicable in this body.

One word more in reference to personal matters. My colleague said that in his endeavors to secure the adoption of the earliest period for emancipation, he was opposed by a solid phalanx led by gentlemen who were understood to be aspirants "for a high position." I am not much inclined, sir, to reach out my hand to catch blows, whether aimed by friend or foe; but if, perchance, notwithstanding all my efforts to secure early emancipation, any part of this allusion was intended for me, I have this to say: I have been a candidate for a very high and honorable position, and in the sense of willingness to accept the great responsibilities which attach to it, if it shall please the people through their representatives to confer it on me, I am yet a candidate. I do not know that I need have any anxiety to defend myself on this account. If it shall be the will of those with whom the choice rests to commit to me, in part, the great and arduous charge of representing the people of this State at the National Capitol, I shall, however unworthy, if my life be spared, accept the trust, and endeavor faithfully to discharge the duty. I owe many thanks to those members of the Legislature who have shown their desire to confer this great honor upon me; and whatever the

result may be, I shall hope the future will give them no reason to regret this confidence. But since when has it been considered matter of reproach that the name of a citizen should be coupled with high office, or that the people should think well of him, and be willing to honor him? I esteem it an honor to be treasured, that, humble as my life and services have been, they have been such as to make any portion of my fellow-citizens think me not unworthy, in these times of trial, to discharge such difficult duties; and as such I shall always reckon it, no matter what the issue may be.

I cannot recall my colleague's exact language, but it seemed certainly to be open to the construction that these same high aspirations might influence me in the course I think it my duty here to pursue. I shall not defend myself against such an intimation, since I am assured no personal offence was intended, farther than to say that I think I may safely trust to my past life, public and private, as my best defence. True honor can only be obtained by a faithful discharge of present duty, and this I shall strive, here as elsewhere—in the future as in the past—to do, confident that from the consequences I have nothing to fear. I will not say that my colleague indulges any aspirations for high promotion, nor intimate that he allows them to modify his action here; but I strongly suspect if he will narrowly examine the secrets of his own heart, he will find, perhaps in some remote recess, some unchastened appetite which would keenly relish such honors, if conferred. If he would deserve them, let him labor now to free himself from his false principle, and to avoid even the appearance of making factious opposition to great reforms demanded by the people and the highest interests of the State.

I wish, before I take my seat, to say a word or two to two classes of gentlemen here—those who avow themselves in favor of emancipation only in the most gradual form, and those who, though opposed to emancipation, are willing, in the actual posture of affairs, to support some extremely gradual plan. I desire to remind these gentlemen that emancipation—as they all practically admit—has come to be a necessity for us; urgently demanded by every consideration of peace, of loyalty, of State prosperity, and of direct interest on the part not only of the non-slaveholders, but of the slaveholders themselves. This being the case—they having declared their readiness to support emancipation, I desire to ask them if they are not willing to concede something in date and matters of detail, to accomplish the great end? Are they willing to forget the lessons of the past year, so instructive on this very subject, and, adopting the very policy which when adopted by my colleague they condemn, assume a position to which they will adhere under all circumstances, saying, "here we will stand, and unless you yield to our demands there shall be no emancipation by our votes"? I know there are thousands of loyal slaveholders all over this land. They have been truly loyal in the very midst of rebellion, and at the risk of life and property. They have, many of them, borne themselves most nobly through the great trials and struggles of the last three years. In this very matter of emancipation they are making sacrifices, and proving thereby their devotion to the cause of their country and the welfare of its people. And now I appeal to them to make, if necessary, one farther sacrifice, and to bring no stain upon the bright record of their loyalty, by planting themselves upon a particular date, and refusing to concede anything beyond that to the convictions of those who desire as earnestly as they to do that which will best promote the public interests. I ask them to do what I myself am willing and intend to do—to consent to an earlier period than they prefer, as I shall consent to a later period than I think best—and to join me in support of the proposition now before the Convention—fixing the first of November, 1868, as the date of emancipation—and so settle this strife forever. I am not without hope that even my obdurate colleague, softened and converted by their good example, may repent him of his unwise resolution, and seeing at last the emptiness of the principle he has thought demanded his support, unite with us in ordaining this grand reform. I shall deem myself most fortunate if any word of mine shall have power to prevail with them; and still more, if in any degree, through my agency, even my colleague himself shall be brought to the support of emancipation.

If not, if no argument or example can convince him of his error, then the saddest man to be found in Jefferson City, or perhaps in Missouri, after we shall have adopted an ordinance providing for emancipation—not so soon or on exactly such conditions as many of us desired, but in form and substance much better and more efficacious than we could have anticipated six months ago—the saddest man will be my distinguished friend from St. Louis, sent

here so lately, as he claims, *par excellence*, the champion of emancipation, returning to his constituents, after having denounced and opposed emancipation in 1868, to explain that, in spite of all his efforts, and against his vote, it was adopted. I can imagine the especial constituents of my distinguished friend thronging about him, to hear an explanation of this singular phenomenon; and (if that were possible) I can almost imagine him struck dumb before them, in his utter inability to explain it in such a way as to vindicate the sincerity of his advocacy of emancipation.

I was not sent here as the especial champion of emancipation. I hold a larger commission. I was sent here to labor by all means for the preservation and the perpetuity of the Union. That I have done in good faith, and never, in my judgment, more directly than in supporting this proposition for emancipation; and having done all in my power to secure its adoption in this form, and, if not in this, in some form closely approximating it, I shall return to my constituents in the full confidence that I have merited and shall receive their welcome greeting, "Well done, good and faithful servant."

Mr. BROADHEAD. At the proper time I will offer to amend the ordinance now before the House, to read as follows:

"Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

"Section 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth day of July, eighteen hundred and seventy, and all slaves within the State at that day are hereby declared to be free; *provided, however*, that all persons emancipated by this ordinance shall remain under the control and be subject to the authority of their owners as servants during the following periods, to wit: Those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, eighteen hundred and seventy-six. The persons, of their legal representatives, who up to the moment of emancipation were the owners of the slaves thereby freed, shall, during the period for which the services of such freed men are reserved to them, have the same authority and control over the said freed men that are now held absolutely by the master in respect of his slave; *provided, however*, that after the said fourth day of July, eighteen hundred and seventy, no person so held to service shall be sold to a non-resident of, or removed from, the State of Missouri by the authority of his or her late owner, or their legal representatives."

Mr. Moss. I do not know that I quite understand the construction that is to be put upon the ordinance now before the house. I should like to know if the master will have the same power to enforce the services of his *servant* that he now has those of his *slave*.

Mr. BROADHEAD. There is no special law that applies to persons that are, or are to be, emancipated.

Mr. Moss. I am not, as I announced the other day, an emancipationist, and I represent a constituency who are greatly interested in this matter; and I therefore feel it to be my duty, although I shall not defend this measure, to do all I can to get it in as unobjectionable a shape as possible. I think that a great sacrifice of the rights and privileges of slave owners is being made for their country's good. I hope that all the good that is promised may result, but I certainly would like to understand the means by which it is to be attained. I do not see that it gives the master the power to enforce obedience from his servant that it did from his slave; and if this is so, I would like gentlemen to say so. Don't leave this matter in such a shape as to bring about litigation. Let the relationship be well defined. If slavery is to end in '68, and we are to fall back upon the common law to determine the relationship between master and servant, then let us understand it. I want the slave owner to know exactly what his rights are; we shall then avoid trouble hereafter. If we are to have servants who are to be anything but serviceable, let us know it. If we are to have servants who are to be under our control with the exception of the right to sell them, then let us know it. Let us deal fairly with the slave owner. I appeal, Mr. President, to this Convention, that the rights of the masters, in the future, shall be well defined, and that these men shall not be mocked, and their interests and feelings trifled with. I do not know but I

would rather have the ordinance of the gentleman from St. Louis (Mr. Drake) than what has just been proposed. If an attack is to be made upon slavery in 1868, don't attempt to bamboozle the people by any sophistry of that sort. For my part, if I am to be robbed, I like a bold robber rather than one who will steal upon me under the garb of friendship. I would rather vote for the proposition that comes up candidly and says that there shall be no slavery or servitude after 1868, than for a proposition the friends of which are afraid to say exactly what they mean, for fear the slave owner may comprehend the limits of his rights.

Mr. BROADHEAD. The gentleman seems raising a tempest in a teapot. The whole thing will bear but one construction, and that is that which is laid down in our statute books. When a slave is emancipated under the laws of Missouri he is a free man, and has no master but the law. I do not use the word "slave" in my proposition, because it does not seem proper to use it there. It would indeed be inconsistent to call them slaves after they are emancipated. The servant can sue and be sued, and yet be subject to his master, and his services enforced as those of the slave can be now enforced.

Mr. HOUGH. Simply as a legal proposition, there is some difficulty attending this matter in my mind. This amendment proposes to amend section 2 by striking out 4th July, 1876, and inserting in lieu thereof the 1st of November, 1868, and by adding the following:

"*Provided*, That all slaves emancipated by this ordinance shall remain under the control, and subject to the authority, of their owners during the following periods, to-wit: those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, eighteen hundred and seventy-four."

The relation of master and slave is broken down by this amendment, and a new relation is established by the proposed amendment, with which, I imagine, but few persons in the Convention are familiar, except legal gentlemen. This amendment, it is true, says that the master shall have control and authority over the slaves manumitted by the proposed amendment; but what kind of control and authority will he have over them? Suppose a negro over forty years of age, or under twenty-three, who is under the control of the master, refuses to perform service. How can the master enforce it? Does it give the master authority to inflict moderate chastisement and force the slave to perform service? There is no such provision in this proposed amendment, and the truth is, as a legal proposition, that if the master attempted to inflict the slightest chastisement upon a servant not a slave, to force him to perform the duty he has a right to exact from that servant, he would be liable to be sued in court for it. The negro could sue him even for the punishment of the youngest child who would be free under this amendment. The slightest chastisement of a child would be a cause for action; and under our statutes the parent of that child could institute suit against the master, and the child, by its father or mother, could recover damages. There would be a total change of the law on the subject; and it would be well for slave owners to understand that, after 1868, they dare not inflict the slightest punishment or correction upon any negro manumitted by this ordinance. If they do, they are liable to be sued for damages. As to authority and control, I take it to mean nothing more than this: that the master has the right to direct a freed slave to do certain labor. If he chooses to do it, well and good; but if he does not, there is no power given in this amendment by which the master can compel obedience to his commands. I feel with the gentleman from Clay, (Mr. Moss,) that rather than vote for that amendment, I would prefer that of the gentleman from St. Louis, (Mr. Drake,) to turn all the negroes loose at once in 1866.

Then, Mr. President, what will be the effect of this ordinance? The master owns a family of negroes, the husband say forty-one years of age, the wife thirty-nine; and they may, perhaps, have a large family of children. The husband, under the effects of this amendment, remains under the control of his master during the balance of his life; the wife would be manumitted; the children over twelve years of age would remain in the master's custody and under his control till they arrived at the age of twenty-three, and then they would be turned out upon the world without any provision being made for their support. Some of them might be females, with young children, before they arrived at the age of twenty-three. Who is to protect these persons? And the master is left with the old negroes and the young ones to take care of. Sir, it is all wrong. As a simple question of humanity, I am opposed to any system of emancipation; but if I

could be induced to vote for any system whatever, it would be for one that respected the common principles of justice and humanity, and that did not separate families, as this proposes to do. Such a measure as that proposed would, I am convinced, have a deleterious effect upon society; and be an injustice to the master, whom it defrauds, and the slave, whom it vainly proposes to benefit.

Mr. BIRCH. I have listened with great attention to what has been advanced, and, if it were possible, Mr. President, I think I am more fully convinced than ever, that, if the white and black races are to occupy the same soil, and form part of the same society, it is better for both races that they occupy the relation of master and slave. In coming to this conclusion I have not been looking at my own cabins. I shall vote against the amendment; I could not do otherwise from the theory I, as a Christian man, entertain for the system of slavery. As it regards the uncertainty of the relationship between master and servant that would ensue on the adoption of the ordinance as it stands, I will only say, that I could make a most excellent living, were I so disposed, by annoying masters from year's end to year's end, by getting fees and damages out of them for alleged and fancied grievances.

Mr. HITCHCOCK. Do I understand the gentleman from Clinton to say that the only ground on which, as a Christian man, he would be justified in living in the same community with the negro race, would be in the relation of master and slave?

Mr. BIRCH. I admit that is the only relation I desire, or that I can conceive of as advantageous to the two races.

Mr. HITCHCOCK. Am I right, then, in supposing that the gentleman from Clinton would feel himself justified in the enslavement of the three or four thousand colored people who are in Missouri, on the ground that slavery is the only condition they should occupy in a community of Christian men?

Mr. BIRCH. I would like a few minutes to reflect.

Mr. BROADHEAD. I do not think that any system of emancipation we may adopt will be satisfactory to all. As to any difficulties that may arise from the new relation of master and servant, that is, the peculiar relation growing out of this ordinance, they will be met and provided for by the Legislature; but I am clearly of opinion, in opposition to what has been said, that the servant would *not* have the right of action against his master.

GOV. GAMBLE. I cannot but think the amendment of the gentleman (Mr. Broadhead) uses expressions calculated to mislead, though I know my colleague too well to suppose he so intends it. Now, whatever we do, let us use no equivocal expressions. Let us not keep the word of promise to the ear and break it in the act. The amendment reads, "and all slaves within the State at that day are hereby declared to be free; provided, however, that all persons emancipated by this ordinance shall remain under the control and be subject to the authority of their owners." Now, I must refuse my vote for the adoption of this amendment. I object to the qualifying term "persons." There is no provision in the law for such persons. If there is any provision in law by which any one can exercise authority over emancipated slaves, then there is reason for this amendment; but if there be no provision of law, written or otherwise, by which any such authority can be enforced, then these are words and nothing more, a delusion to all who trust to them.

Mr. Moss. What we have just witnessed on this floor satisfies me as to the objection I urged against the amendment of the gentleman from St. Louis (Mr. Broadhead). If distinguished lawyers and friends of emancipation disagree about the meaning of the phraseology employed, why, of course, others will, and that is just what I want to get rid of. If the gentleman (Mr. Broadhead) is in earnest—if he sincerely desires to give the master the same authority over his servant that he now has over his slave, he will be willing to use words that shall so express it.

Mr. BROADHEAD. My colleague (Governor Gamble) is preparing an amendment which I am willing to accept as a substitute for mine, which I withdraw.

Mr. HENDERSON. I propose to amend the amendment by adding, after the word "owners," the words "or their legal representatives," and also, after the word "those," the words "who are then."

Agreed to by the Convention.

Mr. Moss. As gentlemen are proceeding to perfect the ordinance, I desire to make a suggestion. It seems to me that, as the ordinance stands, the master will have no means of enforcing obedience more than a master has with his servants under the common law. Now, what I want is that the rights and privileges

of the master for enforcing the obedience of his servants shall be the same as now exists on the part of the master for controlling his slaves.

Gov. Gamble. If he wants to whip his slave, he can do that by the common law.

Mr. Moss. I want the ordinance to state that the rights, privileges and remedies of the master, for enforcing obedience to his authority, shall be the same as they have heretofore been on the part of the master in reference to his slaves. You talk of abolishing slavery, and I do not see that you can refuse to let the relationship between the emancipated slave and the master, as to his rights, be perfectly understood.

Mr. Hitchcock (in explanation of his vote). On Saturday I voted against substituting '68 for '66. I presume I need not repeat that I am in favor of the earlier date, but I understand that a number of gentlemen then voted for '68, though wishing a longer period; I, therefore, consider myself obligated, under the circumstances, to vote for '68.

Mr. Phillips (in explanation of his vote). I feel myself somewhat embarrassed in regard to the vote I am about to give, as a member of the committee of nine who made the majority report. There seems to be some misunderstanding between the members of the committee as to the agreement that was entered into between the members, as to agreeing to the majority report. A proposition to that effect was upon one occasion made in the committee, but my understanding was, that the committee finally adjourned to report to the Convention without any such agreement being made. An attempt was made to get a majority who concurred with the committee to vote in the Convention for altering the ordinance in some material particular; but there was some objection to it. The time, 1876, did not reflect the views of any member of the committee. It was agreed upon as a compromise time, and an effort was made to stand by it till some other time was adopted by the Convention, but no definite action was taken by the committee before we adjourned, and the language used by Gov. Gamble on the subject, in making his report, confirmed me in the impression that no such agreement was made, though some of the committee so thought. I would be the last man to break my pledge, but in view of the fact that an amendment has already been adopted, and not feeling that I am bound by any agreement, I shall vote *aye*.

The question being on the adoption of Mr. Henderson's amendment as amended,

The ayes and noes were called for by Mr. Vanbuskirk.

The result of the vote was as follows:

Ayes—Messrs. Allen, Bogy, Breckinridge, Bridge, Broadhead, Foster, Gamble, Henderson, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Linton, Long, Marvin, McDowell, McLean, Morrow, Noell, Phillips, Rankin, Scott, Shackelford of St. Louis, Shanklin, Smith of L., Smith of St. L., and Vanbuskirk—29.

Noes—Messrs. Baker, Bartlett, Bass, Bast, Birch, Bonnifield, Bush, Calhoun, Cayce, Comingo, Deal, Doniphan, Douglass, Drake of M., Drake of St. L., Dunn, Duvall, Eitzen, Frayser, Flood, Gantt, Gorin, Hall of R., Holt, Hough, Howell, Jamison, Johnson, Kidd, Leeper, Lindenbower, Matson, McClurg, McCormack, McFerran, Meyer, Moss, Moxley, Norton, Orr, Pomeroy, Prewitt, Ray, Ritchey, Ross, Rowland, Sayre, Schofield, Shackelford of H., Sheeley, Stewart, Walker, Waller, Welch, Woodson, Woolfolk, and Mr. President—57.

So the amendment was lost.

Mr. Sol. Smith. Mr. President, I now renew the motion which I made several days ago, which motion was temporarily withdrawn at the request of my colleague (Mr. Drake), to amend by striking out the figures "1876," and inserting "1870."

The President. The question is on the motion of the gentleman from St. Louis (Mr. Smith).

Mr. Bush. Mr. President, I have listened for days to the gentlemen speaking on the subject of emancipation, and I now bespeak their attention for a few minutes.

The one said "slavery" and the other "anti-slavery" is the cause of this war. I say it is part of that everlasting war between Ormuzd and Ariman, between light and darkness, between right and wrong; it is that irrepressible conflict between free labor and slave labor. The South wanted to put down abolitionism with fire and sword, establishing and extending a great empire of slave aristocracy. The North will now, and must in self-defence, put down slavery. It matters not whether the President of the United States, much less whether you or I, have any such desire and intention or not; it is the inevitable logic, the necessary consequence of events, stronger than the will of the President, the decrees of courts, or the acts of Congress. The people of this State have to take a stand on one side or the other.

To place ourselves on the middle ground between the contending parties is to be destroyed by both fires. When they decided to stay in the Union, to fight with the North in this struggle to maintain our national existence, this question was virtually decided. You had only to draft the deed and to acknowledge it. You ought to have declared simply that we will *cheerfully* sacrifice the institution of slavery, whose value *has already been destroyed, by this rebellion*, to our country, and the people would execute the deed; thus showing to the South, as well as the North, on which side Missouri will forever stand. The great majority of the people are in favor of emancipation. Most of those even who were opposed to it, a short time ago, acknowledge that we cannot avoid it even if we would; that emancipation is an unavoidable necessity of this war. I might almost say, in the Lincolnian style, that "as we cannot remove anti-slavery, we must remove slavery." *Still you hesitate.*

Much has been said about the right and power of this Convention to pass an ordinance of emancipation, and whether it should be submitted to the people for its ratification or rejection. Many of you, and among these some learned jurists and judges, have argued that we have that right, and that even without the sanction of the people it would have full force. They urge, indeed, that we should not submit it to them. While I have no pretension to such learning, I am but expressing the unmistaken and unmistakable voice of the people in saying, that, if you should refuse to submit your action on this subject to the popular vote, you would exercise a doubtful, an unjust, and a very improper authority; the more so, as you assume to exercise it twenty-eight months after you were elected, and elected on no such issue; after you have once declared to the people and to Congress that you do *not* feel authorized to act *at all* on this subject; after a new Legislature has come duly into existence, fresh from the people! With the same propriety you could perpetuate yourselves, and, if a majority of this body were in opposition to a majority of the Legislature, might nullify every act passed by that Legislature. And yet gentlemen undertake to say "we must take the responsibility." And why? To avoid agitation.

Now, gentlemen, the "let alone" policy—to use a common but expressive phrase—the "let alone" policy is played out. The very call of this Convention, for purposes which one year ago you decided to "let alone" by an overwhelming majority, is but one of the many proofs of the fallacy of your system. An early decision by the people at the ballot-box is the only way to close agitation, is the only means to give any action of yours force and stability. But while many of you boldly assume that we have the unlimited right and power to pass an ordinance of emancipation, and care little about the consent of the sovereign people, some of you have yet one serious objection, namely, that emancipation without compensation to loyal owners is unjust—some call it robbery. This objection is not without weight with me. I would favor any reasonable and practicable plan of compensation, and am opposed only to such plans as would have no practical results except to defeat any emancipation ordinance. Members of the committee, and some other gentlemen here, are aware that I myself suggested a plan of compensation—that the various railroad companies should issue stock to the amount of aid received from the State, (over $20,000,000,) which stock might be used for the purpose of such compensation, without increasing the State debt, thus giving to the slave owners an interest in the one great institution (railroads) in exchange for the other (slavery)—an exchange by which, in my opinion, all parties would gain. I soon found out, however, that all slave owners scorn such a compensation. On the other hand, I find, from the admission of loyal slaveholders themselves, that the value of slaves has been destroyed by the rebels; and while they are chargeable with the loss, it is not for the loyal people, who did nothing to damage it, to compensate the owners for the same. If another throws down this tumbler (the glass of water) from this desk, breaking it to pieces, and I afterwards remove the worthless, injurious fragments, am I to pay you the damage? Moreover, it has not been proposed by any one that the slave owner should lose the right to the labor of his servant for some years. I voted, all the friends of speedy emancipation voted, for long terms of continued servitude, depriving you only of the right to sell a human being, a right which you never had under the Constitution of the United States, as you contend; but, whether you have it or not, which you cannot exercise, as there is no market, and God grant never will be, for this traffic any more.

It is further a fact, established by proof and experience, which cannot be denied, that the wealth and general prosperity of the State

would be so much increased, that it is not only proper that the interest of the individual should give way to the interest of the whole, but that it must also benefit the former slave owner. He, the slave owner, is at the same time, almost without exception, also a land owner; and it is admitted that the *plus value* of lands cultivated by free labor exceeds the capital represented by slaves. The gentleman from Pike himself calculated that the difference in the increased value of personal property and real estate in Missouri, at the ratio of the last ten years here and in Illinois, would amount during ten years to come to $200,000,000; and, singularly enough, he is still in favor of keeping Missouri ten years longer a slave State.

Now, sir, as the abolishment of slavery in Missouri cannot be avoided, as you believe you have the right and power to do it, and as it would be to the great advantage of Missouri in general, while it would prove but a small loss to the slaveholder, the question seems to be now only whether slavery shall cease in 1876 or in 1866. But even this is by no means, in reality, a question. Does any gentleman on this floor really believe that, in the present state of our national affairs, slavery can exist until 1876, or even 1870? The gentleman from Livingston (Mr. Woolfolk), pro-slavery man as he is, has well and honestly stated that every plan of emancipation in 1870, or any such prospective period, will only invite and offer a premium to the negroes to run away from their owners.

You will admit, Mr. President, that slavery is rapidly disappearing, and no one will deny, I think, that it is now in fact, though not in law, a mere voluntary servitude. Such is the present. Now look to the future; look to history as it will be transmitted to your children and children's children. On the one hand, the humiliation, that we would not consent to free ourselves from the institution of slavery until the slave freed himself; that, worthless as the institution has become, we would not sacrifice the peculiar institution to the maintenance of our Union, to the peace and safety of the State. On the other hand, the proud and glorious record, that this was the first State that, by the free and voluntary action of its own people, and without compensation, nobly sacrificed and blotted out that peculiar institution. Which are you inclined to choose? The majority report of your Select Committee on Emancipation shows it; your vote on the amendment for 1864, and then on the amendment for 1866, shows it; your vote on the amendment for 1868 shows it—for even if I and twelve others, true friends of emancipation, the Radicals, as you call them, had voted for it, it would still have failed; but, above all, your vote on submitting your ordinance to the people in November, 1863, shows it. I think it is enough. You voted them all down; let us go home. Do not deceive yourselves; and do not believe you can settle this matter for the people. They do not want us.

Mr. President, I desire to notice but one point more before I close. Some of the gentlemen, members of this Convention, have drawn so horrible a picture of the evils resulting from emancipating the negroes, and leaving them afterwards free among us, that they and their misguided hearers inevitably come to the conclusion that emancipation without deportation would ruin this State. They tell us that the negroes would be but one great band of idlers and vagabonds, robbers, murderers, and thieves. If this be true, I ask these gentlemen, "Are these the boasted blessings of Christianity, which you, the advocates of slavery, have ever and always claimed to have given to these poor Africans, in return for their freedom?" But it is *not* true, and you cannot help knowing it to be false. Look at Delaware—I do not ask you to go for information to Jamaica, or the other West India Islands—look at Delaware, I say. The census of 1860, now before you on your tables, will show you that 19,829 free negroes live in that little State of our Union—a State not larger than three of our counties; and you pretend to say that Missouri, thirty-two times as large as Delaware, would be ruined by a comparatively small number of her negro population, if free! New Jersey has 25,318 free negroes, on an area only one-eighth that of Missouri; and where is the murder, the rapine, and other crimes, committed by that class? Three cases of murder, and two of homicide, are all that occurred in New Jersey in 1860, against twenty-one cases of murder, and twenty-six of homicide, during the same period in Missouri. I have no words for such slanders against poor human beings, so much sinned against. It is not enough that you hold them in bondage, toys of your whim and your lust, but you must charge them with crimes they never committed and never dreamt of. I pray you have pity for yourselves, *not* for the negro. Slavery demoralizes, slavery fanaticism blinds you; it has arrayed brother against

brother, son against father; it has destroyed God's noblest work—a free and happy people.

I am done, Mr. President, and I now renew the motion of the gentleman from Buchanan:

Resolved, That the Convention now adjourn *sine die.*

Mr. HOUGH. I move to lay the gentleman's motion upon the table.

[On the expression of a wish on the part of several members, Mr. Hough withdrew his motion.]

Mr. BROADHEAD. I want to know who is in favor of adjourning this Convention at the present stage of our proceedings.

Mr. BRECKINRIDGE. I call for the ayes and noes.

The motion was put to the vote and lost, the following members voting in the affirmative:

Messrs. Baker, Bast, Bonnifield. Bush, Deal, Eitzen, Leeper, Lindenbower, McClurg, Meyer, Morrow, Moss, Norton, Orr, Ray, Scott, Stewart, and Walker.

Mr. ISBELL. I move that we now adjourn till to-morrow, 9 o'clock.

On being put to the vote, the motion was lost.

Mr. BROADHEAD. I desire, Mr. President, to offer a substitute for the amendment that changes the time of emancipation from 1876 to 1870, so that the ordinance shall read as follows:

"Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

"Section 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth day of July, eighteen hundred and seventy, and all slaves within the State at that day are hereby declared to be free; *provided, however,* that all persons emancipated by this ordinance shall remain under the control and be subject to the authority of their owners as servants during the following periods, to wit: Those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, eighteen hundred and seventy-six. The persons, of their legal representatives, who up to the moment of emancipation were the owners of the slaves thereby freed, shall, during the period for which the services of such freed men are reserved to them, have the same authority and control over the said freed men that are now held absolutely by the master in respect of his slave; *provided, however,* that after the said fourth day of July, eighteen hundred and seventy, no person so held to service shall be sold to a non-resident of, or removed from, the State of Missouri by the authority of his or her late owner, or their legal representatives."

Mr. HOWELL. Although I much prefer the amendment I had drawn up, and which I desired to present to the Convention for their action upon it, still, at the request of many gentlemen who concur with me as to the course this Convention ought to take, I withdraw it.

Mr. SOL. SMITH. I am willing to accept the substitute of my colleague (Mr. Broadhead). It is the same proposition as that before presented, but perhaps in better language.

Mr. HALL of Randolph. I am not now going to explain to this Convention my reasons for voting for this proposition. I expect to explain that to my constituents (and, I hope, to their satisfaction) why I shall do it. It is not in all respects the most acceptable proposition to me that has been presented; but it is a matter that can only be settled by compromise, and is perhaps, under the circumstances, the best thing that can be done; and I am unalterably opposed to this Convention being adjourned without doing something.

Mr. DRAKE. I do object, that so important and complicated a matter as that before the Convention should be passed upon by this Convention on the instant. I think that the proposition should be printed, so that we may distinctly know what it is. [No, no.] Gentlemen may understand the matter better than I do, but for my part I desire to act knowingly. [Question, question.]

Mr. ALLEN (in explanation of his vote). I came here for the purpose of voting for an ordinance of emancipation, but there appears to be a great conflict of opinion among the members of this house, and if we adopt any system of emancipation at all, it will, I perceive, be done only on the principle of compromise. That emancipation is not to be adopted at an earlier period than is proposed, is no fault of

mine; but if I cannot get all I desire, I am willing to take the next best thing. I shall, therefore, vote *aye*.

Mr. FOSTER (in explanation of his vote). I am willing to vote for 1870; but I am against this scheme of apprenticeship, believing the whole system to be a complete humbug. I shall, therefore, vote for the proposition under protest; but I cast this vote with the distinct understanding, that, unless the whole thing be submitted to the people within a reasonable time, I shall ultimately vote against it. I vote *aye*.

Mr. HOWELL (in explanation of his vote). I simply desire to remark that I prefer no emancipation to any scheme presented; but, sir, under the circumstances now pressing upon us, upon my constituents, and upon the State, I yield my objections, and believing that this is the best thing that is practicable to be obtained from this Convention under existing circumstances, I vote *aye*.

Mr. DRAKE. I call for the ayes and noes.

The question being on the adoption of the substitute offered by Mr. Broadhead, the vote was as follows:

AYES—Messrs. Allen, Bass, Bogy, Breckinridge, Broadhead, Bridge, Calhoun, Cayce, Comingo, Doniphan, Douglass, Duvall, Flood, Foster, Gamble, Gantt, Gorin, Hall of R., Henderson, Holmes, How, Howell, Irwin, Isbell, Johnson, Kidd, Linton, Long, Marvin, McCormack, McDowell, McFerran, McLean, Morrow, Moxley, Moss, Noell, Norton, Phillips, Pomeroy, Prewitt, Rankin, Ritchey, Ross, Rowland, Sayre, Shackelford of H., Shackelford of St. L., Sheeley, Smith of St. L., Vanbuskirk, Waller, Woodson, and Woolfolk—54.

NOES—Messrs. Baker, Bartlett, Bast, Birch, Bonnifield, Bush, Deal, Drake of M., Drake of St. L., Dunn, Eitzen, Frayser, Hitchcock, Hough, Jackson, Jamison, Leeper, Lindenbower, Matson, McClurg, Meyer, Orr, Ray, Scott, Schofield, Shanklin, Smith of L., Stewart, Walker, and Mr. President—30.

The substitute was therefore agreed to.

Mr. WOOLFOLK. I offer the following amendment by way of a new section, as follows:

"Section 6. That at the election for State officers, to be held on the Tuesday next after the first Monday in November, A. D. eighteen hundred and sixty-four, the several clerks of the County Courts, or in case said clerks fail, then the judges of elections, shall, in preparing the poll books for election, enter thereon two columns, one headed "For Emancipation," and the other "Against Emancipation;" and if the majority of the legal votes given be for emancipation, then sections 1, 2, 3 and 4 of this ordinance shall take effect and be in full force; but if the majority of legal votes given be against emancipation, then sections 1, 2, 3 and 4 of this ordinance shall be null and void; and when the result of the election shall be ascertained the Governor of this State shall by proclamation announce the same."

A motion was here made to adjourn, which was lost.

Mr. HOUGH. Will the gentleman from Livingston allow the withdrawal of his amendment for one moment, to permit me to offer the following?

"Before any slave shall be manumitted under this ordinance, the owner thereof shall be paid a reasonable compensation for such slave, out of money to be collected for that purpose by taxes to be levied upon all taxable property except slaves; and it shall be the duty of the General Assembly to make provision by law for giving effect to this ordinance."

Mr. WOOLFOLK. I would suggest to the gentleman from Mississippi that that may come in as an amendment after mine has been voted on.

Mr. DRAKE. I offer the following substitute for the amendment of the gentleman from Livingston:

Amend by substituting the following:

"Sec. 6. At the general election of Supreme and Circuit Judges on the Tuesday next after the first Monday in November next, the qualified voters of this State shall vote by ballot upon the ratification of this ordinance. Ballots shall have written or printed on them the words "For the Emancipation Ordinance," or "Against the Emancipation Ordinance." The return of the vote so taken shall be made to the office of the Secretary of State; and on the first day of January next the same shall be cast up in the presence of the Governor, who shall by proclamation declare the result. If the majority of all the votes given in relation to emancipation be in favor of this ordinance, it shall be considered as in full force; otherwise it shall be void."

The reason why I adopt the ballot in the proposed substitute is, that, by the law passed at the last session of the Legislature, voting throughout the State is to be by ballot; I, therefore, merely make its requirements conform to the law in the case.

Mr. SOL. SMITH. I move to strike out the words "the" and "ordinance," so that it stand "For emancipation" and "Against emancipation." I am anxious that the people should fully understand what it is they vote for and against.

The PRESIDENT. It is not now in order.

Mr. BRECKINRIDGE. I shall vote *aye*. If there is to be an election, I prefer 1863 to 1864; but on the final vote, I shall vote against submitting the matter to the people.

Mr. SOL. SMITH. I shall vote for the substitute, with the understanding that I shall avail myself of an opportunity of getting in my amendment.

Mr. DRAKE. I call for the ayes and noes.

The question being on the substitute offered by Mr. Drake, the vote resulted as follows: ayes, 51; noes, 36.

Mr. SOL. SMITH. I now offer my amendment, so that the ballots may read "For Emancipation" and "Against Emancipation." I want to know whether the people want emancipation or not; and this can be best done by letting the naked question come before them.

Mr. DRAKE. We want to know if the people are for this ordinance or not. I call for the ayes and noes.

The question being on the amendment of Mr. Smith, the result was—ayes, 27; noes, 56.

The question being on the amendment of Mr. Drake, that gentleman called for the ayes and noes.

Mr. HALL of Randolph. I was in favor of submitting this question to the people in 1864, but believing the wishes of the people would not be consulted in submitting it at this time, I shall vote against it.

Mr. DUNN. I deem it to be our duty to submit any ordinance to the people for their ratification or rejection, inasmuch as we were not elected with reference to the question of emancipation at all. I shall therefore vote for this amendment of the gentleman from St. Louis (Mr. Drake).

GOV. GAMBLE. My action upon this matter would be different if this question were to be submitted to the people in a way in which they could act upon it intelligently and consistently. I do not believe you can frame an ordinance of six sections upon any subject of public interest that would not be voted down by persons who could be found to oppose one or other of the separate sections of the ordinance. If the gentleman will devise three schemes of emancipation, and will require that there shall, first of all, be a vote upon the question of "Emancipation" or "No Emancipation," and then that there shall be a vote upon the three schemes proposed, and that the scheme that has the highest vote shall be enforced, I would be perfectly satisfied to submit the matter to the people in that form. But to submit the question, whether an ordinance of five or six sections shall become a constitutional law of this State, (I do not care how wise or politic its provisions may be,) would be sure to be defeated. I shall therefore vote *no*.

Mr. LONG. Under different circumstances I should be willing to submit this matter to the people; but under existing circumstances I think it would be a perfect farce. I shall therefore vote *no*.

Mr. RITCHIE. Knowing that my constituents desire this matter to be submitted to the people for their ratification or rejection, I shall vote *aye*, though in so doing I vote against the convictions of my own judgment.

Mr. SHEELEY. I am in favor of submitting this matter to the people; but I have two objections to the scheme under consideration: the first is that we cannot get the opinions of the whole people of Missouri; and secondly, I know that in the particular district I represent a fair vote of the people cannot be obtained. The recent elections show clearly that the people cannot vote. This being the case, I shall vote *no*.

Mr. SOL. SMITH. I am always willing to trust the people, and I always have been. I believe that a large majority are in favor of a reasonable emancipation ordinance; but as I see symptoms here that this is going to be made a subject of political agitation by office seekers, (I do not refer to anybody in this Convention,) and supposing that all pro-slavery men and radical emancipationists may vote against this ordinance, if submitted to the people, I feel pretty certain that in the face of a will, on the part of honest emancipationists to adopt it, it may be defeated. I shall, therefore, with the present lights before me, vote *no*.

Mr. WOODFOLK. I should have preferred the amendment I proposed, but if I am forced to the alternative of submitting it at the next election or not at all, I shall vote for the mat-

ter to be submitted to the people then. I vote *aye*.

Mr. Drake's amendment was agreed to, as follows:

AYES—Messrs. Baker, Bartlett, Bast, Bonnifield, Bush, Doniphan, Drake of St. L., Dunn, Eitzen, Frayser, Foster, Gorin, Gravelly, Henderson, Hough, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Lindenbower, Linton, Marvin, McClurg, McCormack, McDowell, Meyer, Morrow, Noell, Norton, Orr, Rankin, Ritchey, Rowland, Scott, Schofield, Shanklin, Smith of Linn, Stewart, Vanbuskirk, Waller, Walker, Woolfolk, and Mr. President—46.

NOES—Messrs. Bass, Bogy, Breckinridge, Broadhead, Bridge, Calhoun, Cayce, Comingo, Deal, Douglass, Duvall, Drake of Mon., Flood, Gamble, Gantt, Hall of Ran., Hitchcock, Holmes, Holt, How, Howell, Irwin, Long, Matson, McFerran, McLean, Moxley, Moss, Phillips, Pomeroy, Prewitt, Ross, Sayre, Shackelford of H., Shackelford of St. Louis, Sheeley, Smith of St. Louis, and Woodson—38.

Mr. HENDERSON rose to a personal explanation and said: Mr. President, whilst speaking to-day, in reply to the attack of the gentleman from St. Louis (Mr. Drake)—and before I had time to examine the journals of the Legislature—after stating that my vote on the resolution deprecating the agitation of the slavery question in 1857, was such a vote as should have been given under the circumstances, I said that, according to my recollection, the resolution was prompted by a direct proposition looking to prospective emancipation of slaves by the Legislature, made by Mr. Brown.

On examining the records, I find that I did Mr. Brown injustice. It seems that the chief discussion on the subject of slavery during that winter sprung up in joint session for the election of Bank Directors, the immediate cause being the nomination of Mr. Palm of St. Louis. The discussion on this subject, it seems, provoked or induced the introduction into the Senate of the resolution referred to by Mr. Drake. When it came into the House of Representatives, Mr. Brown moved its rejection, and upon that motion made an able speech in favor of emancipation. It is but just to him to say that he denounced the agitation of the slavery question before the Legislature as without practical good.

Mr. HALL of R. I move that the Convention do now adjourn till Tuesday, 9 o'clock.

Carried.

FOURTEENTH DAY.

JEFFERSON CITY,

Tuesday, June 30, 1863.

Convention met at 9 o'clock.

President in the chair.

Prayer by the Chaplain.

The journal of Monday was read and approved.

Mr. WELCH. I beg leave to offer the following resolutions:

Resolved, That the Committee on Printing contract with George Knapp & Co., of the city of St. Louis, for the printing of five thousand copies of the debates and proceedings of the present session of the Convention, at rates not exceeding those heretofore agreed upon between the Convention and George Knapp & Co. at the first session of this Convention.

Resolved, That the account of George Knapp & Co., for printing five thousand copies of the proceedings and debates of this Convention, be audited by said committee, and that the same be considered as printing for the Convention, the payment for which is provided for out of the funds appropriated by the Convention for the contingent expenses of this Convention.

Resolved, That said printed Proceedings be distributed in the same manner as was provided for the distribution of the Proceedings of the first session.

The resolutions were put to the vote and carried.

Mr. VANBUSKIRK. I beg to offer the following resolution:

"*Resolved*, That the Chaplain of this Con-

vention be allowed by the Committee of Accounts five dollars per diem for his services, and that the two Pages be allowed two dollars and fifty cents each per diem for their services."

The resolution was put to the vote and carried.

Mr. ALLEN. I beg to introduce the following:

"*Resolved*, That this Convention adjourn tomorrow morning, at 9 o'clock, *sine die*."

Mr. SAYRE. I think it would be unwise to tie our hands, or in any other way limit ourselves, whereby we may prevented doing the great work for which we have come here. I am as anxious as the gentleman to return home, but I would make haste slowly; besides I think it would be exceedingly unwise to promise to adjourn, not knowing what business there is to come before the Convention.

Mr. HOWELL. I hope the gentleman will withdraw his motion; nothing can be gained by it, and much may be perilled.

The motion was withdrawn.

Mr. SCHOFIELD. Mr. President, I beg to offer an ordinance to protect the purity of the ballot-box, by repealing the 6th section of the ordinance adopted by this Convention on the 10th June, 1862, entitled "An ordinance defining the qualifications of voters and civil officers in this State." I offer this ordinance to prevent the Legislature from repealing the ordinance qualifying the voters who are to be allowed to elect the officers of this State hereafter. The time may come when it will be safe to repeal that ordinance, but I do not think that time has yet come. Rather we need greater restrictions in order to keep safe the fountain of power that puts men in office to execute the laws of the country. When a man votes, I want to be assured that he is in favor of his country; and more especially when a man is elected to office, I want to know that he is true to the country and the people he represents. I present this ordinance because it is the demand of my constituents; I mean of that class of men who are the friends of our country, not those who give their aid and influence to rob and injure true and loyal men. The former are the men I wish to protect, and this is the class of men that it is the duty of this Convention to protect; and I cannot but think that the interests of the State now and hereafter require that this ordinance should be passed. That men who are opposed to this Government should not have the right to vote, is, in my estimation, a truism, and needs no proof. Men who aid and abet this rebellion, whether by public or private action, by writing or speaking, by staying at home or riding over the country inducing young men to join the rebel army, should have no voice in wielding the destinies of this country. I do not believe that the safety of the country, or of this State, or the principles of civil liberty, should be committed to their keeping, for it would not be safe in the hands of such persons. Therefore it is I offer this ordinance, and hope it will become the law for the direction of those who have control of the polls, and for the qualification of those who are permitted to elect the officers of State.

Mr. HITCHCOCK. I would ask the gentleman whether his object could not be obtained by limiting the power of the Legislature to repeal or alter that provision to a time which will cover the danger he apprehends; and whether he intends that this constitutional provision, as it now stands, shall remain without being subject to repeal even though it should reach a time when peace is restored.

Mr. SCHOFIELD. One object of the ordinance, provided for specially in section second, makes a standard by which we shall know whether men are qualified voters or not, and does not leave the thousand and one in every county at liberty to dictate and say whether a man shall have the right to vote or not.

Mr. SMITH of Linn. I would call the attention of the gentleman to the 13th section of the first article of the Constitution. I think his entire object is covered by a law that has been upon the statute book since the State was first organized.

Mr. COMINGO. I move that the ordinance be passed over informally for the present.

Mr. DRAKE. I call for the ayes and noes.

The result of the vote was—ayes, 42; noes, 39.

Further consideration of the ordinance was therefore postponed for the present.

THE CASE OF GOV. STEWART.

Mr. MCCLURG offered the following:

"WHEREAS a distinguished member of this Convention, the Hon. Robert M. Stewart, was, during the night of the 28th inst., confined in the military prison in Jefferson City; and whereas rumors are in circulation that said Stewart was arrested and

taken from this Hall during the morning session of the 29th inst.; therefore,

"*Resolved*, That a Committee of three be appointed, whose duty it shall be to ascertain the facts in the premises and report the same to this Convention, together with such resolutions as may be deemed proper."

Mr. HALL of Randolph. While I am willing to vote for the adoption of that resolution, I do not wish by so doing that it should be taken as an expression of the opinion that the arrest of the gentleman was a question of doubtful propriety. Every member here knows that the condition of that gentleman has been such that he should not have been here at all, and his conduct has been a cause of constant annoyance and disgrace to this body. But I am quite willing that the investigation should take place, so that the public may know what is already known to every individual here.

Mr. STEWART. The remarks of the gentleman from Randolph satisfy me that he ought never to have been a member of this body. For the last eighteen years I have been habitually subject to the criticisms of just such gentlemen as that, although all the time I have held the highest positions in the State. My record is written in broad letters upon the history of the State. I have been burned in effigy for opposing jobbing schemes of railroads and canals, and I have been eternally met with the opposition of that class of men who assume to themselves, *par excellence*, to be guides and models.

I have no objection, Mr. President, to this matter being referred to a committee, though I had nothing to do in getting it up; but I hope it will be referred to gentlemen who have no personal feeling in the matter. I should not have said one word upon this subject, Mr. President, had it not been for the remarks of the gentleman from Randolph, whose opinions I disregard and whose sentiments I disavow; because if there is anybody here whose opinions have been in every way objectionable to the Convention, I think they are those of the gentleman from Randolph.

Mr. HENDERSON. I desire to call the attention of the gentleman from Camden to the language used in the preamble to the resolution. There is a statement to the effect that rumors are in circulation that said Stewart was arrested and taken from this hall on the morning of the 29th. Now, I am perfectly willing to vote for an investigation, but I do not desire in giving that vote to state as a fact that which I have never heard of before. I understood he had been arrested on the evening of the 28th, for bad conduct on the streets of Jefferson City, but I never before heard that he had been arrested in this hall. Under the circumstances I cannot, therefore, vote for the proposition. Perhaps the gentleman from Camden will state the facts of the case.

Mr. MCCLURG. The facts of the case are that a non-commissioned officer came into this hall, about 11 o'clock yesterday morning, and after conversing with Mr. Stewart, he made his object known, and Mr. Stewart was taken a second time, and was placed in a military guard-house, and there I found him, having first obtained an order from Gen. Brown. There is no doubt that Mr. Stewart went from this hall with the officer.

Mr. BUSH. I understood the same thing, having heard it from various sources.

Mr. MCCLURG. It is for the purpose of ascertaining the real facts of the case that I wish for this investigation.

Mr. HALL. I would suggest an addition to the resolution. It appears to me that this course has been taken to influence the action of this Convention upon some question that may come before it. Now, this is not the first time that Ex-Gov. Stewart has been arrested. He was arrested by the military authorities in St. Louis, at a previous session of this Convention; and as his uniform conduct since he has been a member of this Convention has been such as to lead to a repetition of this arrest, would it not be well to inquire why he was arrested in St. Louis?

Mr. DRAKE. I will state, Mr. President, in reference to a matter referred to by the gentleman from Randolph, to wit, that the arrest of Mr. Stewart might be with the object of interfering with the action of this Convention, that while I sat in my seat yesterday I received an unofficial communication from Gen. Brown, stating that for certain reasons Gov. Stewart had been placed under arrest, but that whenever I would let Gen. Brown know that Gov. Stewart's presence in the Convention was needed, he would immediately release him. Within an hour, probably, after that letter came to me from Gen. Brown, the gentleman from Camden called upon me in regard to the matter of Gov. Stewart's arrest; and the result of the conversation between him and myself was that I went to Gen. Brown, who was sit-

ting then in this hall, and requested him to send an order for the release of Mr. Stewart, whice he instantly wrote, and which I handed to the gentleman from Camden, who went and procured his release and brought him back. I desire to say thus much in justice to Gen. Brown and the military authorities, who showed their readiness to release Gov. Stewart whenever called upon by a member of this Convention. I, therefore, think the military authorities had no idea or purpose of interfering in any way with Gov. Stewart's duty or vote in this Convention.

Mr. BRECKINRIDGE. Gen. Brown casually mentioned to me yesterday morning, before the Convention met, that, for reasons in no way connected with the action of this body, he had thought proper to have the arrest made. He also said that, if for any reason it were desirable Mr. Stewart should be here to vote, he would be glad to be informed of it, and Mr. Stewart should instantly be allowed to come. This was before the body met in the morning. Subsequently, he told me there might be some misapprehension about the matter, and fearing that Mr. Stewart might be needed, as a member, to vote, and, as a matter of precaution, he had written the note to my colleague, Mr. Drake. I saw Mr. Stewart in his place soon after we met. I was not conscious that he was out of the Convention at all; he could have been absent but a little while; but, having been arrested, and coming away without authority, he was merely required to return.

The resolution was adopted.

The Chair appointed Messrs. McClurg, Smith of Linn, and Bogy, a Committee of Investigation.

THE ABSENCE OF MR. J. T. REDD.

Mr. RITCHIE, from the committee having under consideration the case of John T. Redd, made the following report:

"Mr. President, your committee, to whom was referred the charges of continued absence from this body of A. G. Harbin and others, beg leave to report that the case of John T. Redd, a member of the 4th Senatorial District, has been presented and duly considered. Your committee find that the said J. T. Redd has failed to attend any session of this body, except the first; and therefore your committee present the following resolution, and respectfully recommend its adoption:

"*Resolved*, That the seat of the Hon. John T. Redd, a member of this body from the Fourth Senatorial District, be and the same is hereby declared vacant."

Mr. HALL of Randolph. I would inquire of the chairman of the committee if he was apprised of the fact that Mr. J. T. Redd is under bonds not to leave Marion county; that the Provost Marshal of that county put him under bonds?

Mr. RITCHIE. It was understood that Mr. Redd was under arrest the two last sessions; but previous to that he was at liberty to attend here, had he so desired; and, judging from the position he occupied at the first session of this Convention, and his absence from one or two sessions afterwards that he might have attended, the committee thought it best to adopt that resolution.

Mr. HALL of Randolph. When we act upon a matter of this sort, it is a simple question of justice and right. I have no sympathies with Mr. Redd, and never had; but when I undertake to pass censure upon an individual—such as is necessarily passed by our action in this case—I want to feel that I am justified in the course I take. I am unwilling to run the risk of doing injustice to any man.

Mr. HOWELL. Judge Redd is my colleague, and as this report is predicated upon the ground of his continued absence from this Convention since the first session, I desire to make a statement of the facts on that point. Judge Redd attended the first session of this Convention. A few days preceding the second session of this Convention, in passing through St. Louis, I ascertained that he was at his hotel sick. I called upon him, and we had a conversation in reference to his intention of attending or not attending the approaching session of the Convention. He said he had been summoned to St. Louis as a witness in the U. S. Court, and that as soon as he was freed from his attendance on that court, it was his intention to proceed to Jefferson City, to respond to the call that had been made upon the members. He was at that time sick and in bed. He told me he would be up, if possible, the next day. Two or three days afterwards, I received a letter from Judge Redd, informing me that his illness still continued; that he had a peculiar disease that his family physician had been treating, and understood better than any one else, and he deemed it better for his own safety and welfare that he should return home; but if he recovered, as he hoped to do, in a few days, he would immediately come to Jefferson City and take his seat in the Convention. I

understood he was confined to his house for some time afterward, and was unable to attend the Convention. Why he did not attend the third session of the Convention, I am not informed. I wrote to him upon the subject, prior to the third session, but received no response; and am, therefore, wholly uninformed why he was not present at the third and fourth sessions. On my trip here to attend the present session, I called on him, and had a conversation as to his intention of attending the present session, and he told me he was prohibited by the military bond, which confined him to the limits of Marion county; and further, that he had heretofore applied to the Post Commander there, and, I think, to the authorities at St. Louis—but of that I am not certain—for an enlargement of his limits, that he might attend the courts in the adjacent counties, being a lawyer, but that there had been difficulties interposed, and the extension of his limits had not been granted, and that he was still restricted to Marion county; and that, therefore, he could not go beyond the county to practise his profession, much less to attend this Convention. In view of these facts, I do not think the resolution should be adopted, based as it is upon the ground of his failure to attend the sessions of this Convention. In the first place, he was prevented from attending by an act of God; and, in the second place, by the authority of the Federal Government.

Mr. GANTT. Where was he in the session of '61?

Mr. HOWELL. I have no information on that point.

MEMORIAL FROM PETTIS COUNTY.

Mr. PHILLIPS. I beg leave to present a memorial from the citizens of my county, expressive of their confidence in Gov. Gamble, and asking the Convention to continue his Excellency in office.

The memorial was read by the Clerk.

ON EMANCIPATION.

The hour had now arrived for taking up the special order of the morning.

Mr. HENDERSON. I rise to move a reconsideration of the vote of yesterday, agreeing to the substitute of Mr. Drake for the amendment of the gentleman from Livingston.

I can add little to what was said by gentlemen on this floor, and by myself, as to the impropriety of submitting this proposition to the people as early as November next. Now, why, I ask, cannot this Convention submit three plans to the people? First, let us ascertain if the people are for the abstract principle of emancipation; then let us determine upon three schemes of emancipation, and the one obtaining the highest vote shall become the law. If, on the contrary, you submit but one plan, you may have a repetition of what you had upon this floor yesterday, when the member from St. Louis (Mr. Drake) and the member from Greene (Mr. Orr) alike voted against emancipation. To submit any one plan to the people in this way, and we find the warmest friends of emancipation, and those who are not friends at all, unite and vote it down. This Convention has met for the purpose of allaying the excitement on the subject throughout this State, and for the purpose of doing something which, if it shall not meet with absolute concurrence, shall yet be acquiesced in by the people of the State of Missouri. The ordinance of emancipation which has been framed, and which may, I think, meet with a favorable vote from this Convention, does not meet with my entire consent; I would rather have something else, but I submit. If I am to vote against everything that does not exactly suit my views, we shall never emancipate the slaves of Missouri, I am sure. Gentlemen should not arrogate to themselves all the wisdom vouchsafed to mortals upon this subject. We must concede something to others; and I am satisfied if this ordinance goes before the people of Missouri, those who are opposed to emancipation and those who are in favor, but who cannot acquiesce in all the provisions, will unite, and the desirable end sought for will be defeated. I cannot, therefore, see what we gain by submitting this matter to the people, save that which we are anxious to avoid—namely, the strife and disquiet throughout the State, incidental to the agitation upon this question. Besides, are we in a position to act with precipitancy just at the present time? We have not before seen Harrisburg in danger, and Lee's army marching for Baltimore, and the enemies of the country marching into the heart of the Northern States. We have not heretofore thought it necessary for Pittsburg to fortify. Heretofore that city has laughed danger to scorn. We do not know, Mr. President, what the times may bring forth. A short time ago we thought we should be able to march upon Richmond and take it; now we find such a project abandoned in despair. These facts ought not to be underrated. Suppose, Mr. President, that Harris-

burg and Baltimore shall fall, why, sir, would not Washington City be in danger? Is it not almost inevitable if Baltimore falls that Lee's army will take possession of Washington? and what consternation that event would create in Missouri! If disasters of this kind are in store for us, and we should insist upon a vote on emancipation this fall, is it not likely that it would produce an uprising in Missouri, and that another invasion of the State would be attempted? We should be thrown back upon the events of '61. We are told that guerrillas and bushwhackers are rising all over the State of Missouri. It is the season when they can operate; and who knows but that within sixty days we may be in such danger as we have not been since 1861? Let us not proceed blindly in so vital a matter.

Take another view of this subject. If we have the power to pass this ordinance by the law, it takes effect when we pass it. What validity, then, will the vote of the people give it? I hold, as a matter of strict law and legal right, that the moment we pass an ordinance it is a part of the Constitution; and no vote of the people can add to its validity or take away from it. We shall therefore gain nothing but strife by submitting it to the people, as proposed. Gentlemen of the Convention should take the responsibility of making this ordinance a law of the land. Those who are favorable and those who are opposed to it will gain nothing by taking this election before the people. When I think of the elements of discord already existing in the State, and which, by the action of this body, might culminate in violence and bloodshed; when those who are opposed to emancipation and the war and those who uphold both would be likely to bring to the polls strife and discord, and men would come from the woods in order to add to the confusion—I ask myself what is to be gained by incurring this risk? Will it really decide this question? Certainly it will not. The slaveholder will vote against the ordinance because it gives him one more opportunity of perpetuating his right to slave property, while the immediate emancipationist will vote against it as being too gradual. This Convention will most likely adjourn without date. The Legislature does not meet till *after* the time it is proposed to submit this matter to the people. Should events occur to necessitate the postponement of the election, you would not have the power to do it. You might see the necessity of stopping the impending strife, but there is no power to do it, as we did in 1861. We did it then by meeting and postponing the election; and everybody who desired the peace of the State said we did right. But there will be no such power in our hands next fall.

I feel a deep interest in this matter. I am satisfied that the course on which gentlemen have set their minds might possibly be attended with woes innumerable to the people of this State. I have, in common with many gentlemen here, made up my mind in favor of emancipation, and emancipation will come; and if this controversy is to be continued, emancipation will come long before it is terminated. It matters little what sort of emancipation is determined upon, when you have already decided that this is to be a *Free* instead of a *Slave* State. It matters little whether you say 1876 or 1890; it is all the same. Directly you put upon the statute book that the slaves are to be free, they will gradually disappear from the State, as did the Indians before them; and in a few years there will be none but free negroes here. Then why quarrel over the exact time of emancipation, and the precise terms in which the matter is to be consummated? Let the fact once find a place in the statute book, and slaves will disappear, because slavery will cease to be profitable; and a tide of immigration will flow over the hills and valleys of Missouri, to help in developing the inexhaustible wealth of our favored State. Slavery never can and never does exist in a thickly populated country. It was only because we had few or no laborers in the early days of the English and Dutch settlements, that this system was felt to be a necessity. I say, therefore, once decree that slavery is to cease by the law of the land, and you at once invite peace and repose to our distracted State. Peace and quietness is what the people demand. They ask it at your hands, gentlemen; and they care little what you do here, provided this slavery question is once and forever settled. For these reasons, gentlemen, I ask that the vote of yesterday be reconsidered.

Mr. BIRCH: I think, Mr. President, the gentlemen of the Convention with whom I act would have no cause of complaint if the proposition of the gentleman from Livingston were adopted, to submit the action of the Convention to the people in November, 1864. I am certainly satisfied that if we submit it to the people before that time a full, free and fair expression of the people's will cannot be obtained; but I think by the later date we shall have reached

a state of things that pro-slavery men will be willing to abide by the decision of the people made at that time. It appears to me, Mr. President, that the whole argument on the other side proceeds on the assumption that there is but one party in this State to appease. I deny the assumption, or that our present difficulties can be settled on any other theory than that any man who has a right to vote shall exercise it. My judgment is, that the theory of every Union man on this floor is to waive this question, and put its settlement back till we have peace, and then to settle it by a vote of all the qualified voters of the State. Let us coöperate to ignore this slavery question for the present; and when we have a restored peace, whether by a peaceful separation or a restoration of the Union, then let this question be decided by a vote of a majority of its people.

I will read, Mr. President, the 10th section of the ordinance under which we are assembled:

"No act, ordinance, or resolution of said Convention shall be deemed to be valid, to change or dissolve the political relations of this State to the Government of the United States or any other State, until the majority of qualified voters of the State voting upon the question shall ratify the same."

Now, whether the legal point I made the other day be taken or not is immaterial. A large majority of the people of the State, including some excellent lawyers, I know, entertain the opinion that we are as much incapacitated from passing an act of emancipation, or changing the political relations of this State to the United States, or to Kentucky, or to any other slave State, and making it a free State, as we are prohibited from passing an ordinance of secession, without submitting it to the people.

Mr. Henderson. Does not the argument of the gentleman from Clinton lead him to this position: that the people of the State in ordinary times could not change their Constitution upon the subject of slavery without getting the permission of the General Government?

Mr. Birch. We could were it not for that prohibition in the organic act. We can do anything we please, except to dissolve or change the relations of this State to the United States.

Mr. Henderson. What relations do we change?

Mr. Birch. Those relations of the State that guarantee protection to slave property to those which guarantee none. It is the attempt to change that relation that brings us into this hall to-day.

I should, Mr. President, be unwilling to submit this question to the people in the fall of this year, if the existing state of things continued. I would prefer to leave it till the first election after the restoration of peace—with a restored Union, if that be possible. If that be impossible, then at the restoration of peace, when we *can* go to the polls; and when slavery and anti-slavery men can together go to the polls, and fairly decide this great question. At present we have no people, in the proper sense of the term, to whom to submit the question; and therefore there could be no satisfactory settlement of it.

Mr. Drake. Mr. President, some remarks have fallen from both of the gentlemen who have addressed the Convention that demand a reply. A special appeal has been made to those in this Convention who are in favor of an earlier period of emancipation than that which the Committee on Emancipation fixed upon. When I came into this assembly it was without any pledge to abide by the action of this Convention. I came into this body with a perfect knowledge that its members were not elected with reference to this issue, as my colleague (Mr. Breckinridge) admitted yesterday, so far as his election was concerned. I came here with the knowledge that there were only eleven members of this Convention that were elected with reference to the question of emancipation. None will deny that when the election for the Convention took place in February, 1861, not one whisper was heard throughout the State on the subject of emancipation. I do not deny the legal power of this Convention to act upon this subject because they were not elected with special reference to it. What I ask is, that they will take into consideration, in deciding whether their action shall be submitted to the people or not, that they were not elected with reference to any such matter. Had the election of the members of this Convention been held when the new members were elected in May, with express reference to this issue, I would say it would be needless to go before the people and ask them to vote upon it. But all except eleven were elected with no reference to this question, and it is to obtain peace and quiet that I deem it necessary that this ordinance should be submitted to the people at the earliest possible moment. Gentlemen say we want quiet and repose; but you will only get it in one of two ways—by adopting emancipation in a way that shall leave no doubt upon

the minds of the people of this State that it will take full and absolute effect, without any possible hindrance or question; or else by submitting your action to the people. Gentlemen talk about excitement and strife. Who, I ask, is it that makes strife? I ask the Convention to adopt a period that will shut down upon excitement and strife; to adopt a period which every man in the State, anti-slavery, immediate emancipationist, and every grade of emancipationist, would consider as settling the matter for all time to come. That is what we propose to do. And I shall consider it an outrage upon the people of the State of Missouri, if this body, elected twenty-eight months ago, and, constituted as it is, should defer emancipation till 1870, thereby leaving it open to legislative repeal, and say that their constituents shall have no voice in the matter. In this I speak my own sentiments in plain terms and the sentiments of my constituents. Peace and repose, under these circumstances? Why, sir, it would be as impossible as to extract fire from ice. Peace and repose? Do you hope to manacle the people of Missouri, and hold them to obey your will? If you attempt that, it will be but the beginning of a new era of agitation and strife throughout the State. It is you who thus incite the people of Missouri to uneasiness and strife. I want their voice now to be heard; if it is against me, I bow in humble submission; if it is for me, I thank God for it.

We are told that we cannot get the voice of the people; that the people are not in a condition to vote. The gentleman from Clinton (Mr. Birch) gives us to understand that when the rebellion is over, and the test oath ordinance is repealed, and every rebel, bushwhacker and guerrilla in this State is restored to the elective franchise, with his hands red with the blood of his fellow-citizens, that then, and under those circumstances, will be the time to submit this ordinance to a vote of the people. I take issue with the gentleman on that. We stand at opposite ends of the line, and I tell the gentleman, that, so far as any action and influence of mine are concerned, God helping me, these murderers and thieves shall never vote in this State again, if I can help it. Now, now is the time for settling the question by the people, so that the prints of the bloody hands that have brought such dire disasters upon our State may never be seen in any way fashioning the future destinies of Missouri. We are told by gentlemen that the people cannot vote this fall; that there is no chance of getting a full and fair expression of the people's will, especially if any reverses should happen to our armies. Why, sir, was there ever a time when the valor and discipline of our armies were greater than now?—and is not the army attempting the invasion of Pennsylvania arousing all the Northern States to employ all their energies to drive the invader back? The gentleman from Pike, and the gentleman from Randolph, the other day, seemed to come to the Convention, after a night of horrid dreams, in which all possible and impossible reverses had happened to our armies—when Pennsylvania was overrun, Baltimore captured, and the Capital of the nation in the hands of the rebels; and, in addition to this, Missouri was to be invaded, and a general rising of rebels to take place! Phantoms, mere phantoms of a diseased imagination! The gentlemen do not seem to realize that there is a power in the American people, roused, as they are, under these circumstances, that will sweep that invading army from the free States, and, probably, scatter it beyond all possibility of reassembling. But, sir, where is this invasion of Missouri to come from? Is it to come from the South? If Price, with his little army, were to come into Missouri, are we not in a condition to defend ourselves against any force he could bring? Where are the fifty thousand enrolled militia, and the nine or ten regiments of the State militia? Gentlemen on this floor appeared scared, frightened out of their wits, and out of all propriety, by conjurations out of their own brains; and it is for this that this ordinance of emancipation is to be fastened upon the people of Missouri, without their being allowed to express themselves upon it. Sir, if this State is in a condition to dread anything of that kind, I want to know where are the United States troops that have been here; where are they? They were sufficient in themselves to protect us against invasion; but it was urged that our militia were sufficient to protect us from local uprisings, without United States troops. What has become of them?

Mr. HENDERSON. Does not the gentleman know that they were sent to Vicksburg, by order of the Government, to assist Grant?

Mr. DRAKE. I am not aware of that; but I do know that it has been for months published in all the papers that the Government of this State has been making a persistent effort to get the United States troops out of this State, on the ground that the militia were amply able to protect it. Now, if the gentleman's fears

of invasion are such as he expresses, it is because the militia are not able to protect the State; and if this is really the case, why were the troops sent away that would have been able to protect it?

Mr. HENDERSON. Is it no protection to us if Vicksburg falls?

Mr. DRAKE. Certainly it is. But the gentleman has been conjuring up an invasion by Price, as one reason why the people of this State could not vote intelligently on this question of emancipation. Now, I wish to know why an invasion of this kind would produce that effect, and if it would not be confined to a very few men?

Mr. HENDERSON. I wish to ask the gentleman from St. Louis, if we should be beaten in Maryland, and the Capital should fall, if rebel forces enough could not be sent to Vicksburg to raise the siege and relieve the garrison; and, in that event, if Missouri would not be likely again to be invaded?

Mr. DRAKE. I can answer the gentleman: when the skies fall the larks will be caught. The gentleman is talking of things of which I do not admit the possibility. Even if it should be as he states, how long would it take the rebels to get their reinforcements to Vicksburg? Grant says he could take Vicksburg in an hour, but with a heavy loss of life. Even conceding the gentleman's suppositions possible, and that Baltimore and Washington should fall, it would take three or four weeks to change the aspect of affairs in the South materially. The only object I can perceive in conjuring up these phantasies is to frighten members into a refusal to submit this question to the people this fall. It is an appeal to their cowardice.

Reference has been made to the present Legislature's refusing, at its last session, to call another Convention. Why did they do it? Every means was brought to bear upon them to induce them not to call a new Convention, by bringing up before them the question of the conflict of authority between the new Convention and this one, and by other means; all, as I believe, for the purpose of leaving the way open for this Convention to act upon the subject. This Convention once out of the way, I tell you that a voice would come up from the ranks of the people that would shatter down such arguments as gentlemen have advanced here, and say in unmistakable tones that slavery, the cause of this war, *shall* be removed from the soil of Missouri.

Remarks have been made to the effect that gentlemen who want this question submitted to the people, do so to promote their own advancement. I beg leave to say that there is not an office in the gift of the people or the Legislature of this State that I would turn on my heel to fill; and when I was approached last winter by members of the Legislature and others, with reference to the matter of becoming a candidate for Senator, I told the gentlemen that if a committee of the Legislature were to come to me and ask me to do so little a thing as to turn on my heel to be made Senator, I would not do it. Sir, when it becomes necessary for men to struggle and strive to obtain office, the place of honor is the private station, and I thank God I am content to stand in it. All I have to say on this subject is, that I stand up for principle; I care not what becomes of me personally; I can leave public affairs and go back to the practice of my profession, and be all the happier for it.

Is it not wonderful, too, that there should be such a terrible dread of submitting this question to the people on the very day we fix for the election of the highest judicial officers of the State? You can allow the people to go to the polls and elect Judges of the Supreme and Circuit Courts, who are to decide upon all the rights of citizens; but, forsooth, you cannot submit this question to them, a question appertaining to their welfare and that of their children through all succeeding ages. I can say this, that if this Convention does fasten this ordinance upon the people without giving them a chance to express their will, it is my purpose to place the whole thing before the people in such a light that they shall know exactly who did it, and why it was done.

Mr. HALL of Randolph. This is not the first time, Mr. President, that we have heard in very eloquent strains, threats of the vengeance of the people upon the action of this Convention. I have looked, and looked in vain, in the action of the member from St. Louis, and those who have acted with him in this Convention, for a disposition to produce peace, reconciliation and harmony in this State. Fearing that they might not have some question on which they could create a disturbance and excite the people against our action, they gave notice at an early period of this Convention that they would in-

sist upon an election of a Governor; and if we did not do it, we were threatened with the vengeance of the people. And some of the gentlemen, I hear, attach as much importance to that measure as to our action upon the question of emancipation. They seem to wish to get this State into a ferment, to make war upon the action of this Convention in advance. It is natural they should attach importance to the election of a Governor. Men who harbor criminal intentions would naturally desire that the power of the state should be in the hands of their friends.

Mr. DRAKE. Does the gentleman from Randolph intend to impute criminal intentions to me?

Mr. HALL. I do not know what other construction to place upon the words of the gentleman implying threats of vengeance, and threatening to call a Convention of the people without law, and in defiance of law. If that is their purpose, and they are going to carry it out, I say it is criminal; and if he harbors such intentions, he may need the pardoning power of the Governor to save him.

Mr. DRAKE. Has the gentleman heard me say one word that implied such designs as those?

Mr. HALL. I do not know that just such words have fallen from the gentleman himself; but I infer from what he has said, and from the declarations of other gentlemen on this floor who seem to sustain him, that such is their proposed course of action.

Mr. DRAKE. I say, then, for the information of the gentleman from Randolph and other gentlemen on this floor, that under no circumstances that I can now conceive of, will I participate in, or give countenance to, any proceedings which have not the sanction of law; and in using the word "vengeance," I simply mean that judgment which the people will pass in a legitimate manner upon the action of this Convention.

Mr. HALL. I hope, then, the gentleman from St. Louis will coöperate more in the action of the Convention and less with those who contemplate revolution. This Convention has, during its whole existence, had to undertake heavy responsibilities. It has had to meet a revolutionary spirit which has been fostered by demagogues throughout this State. It has had, in times past, to meet those who assailed the Federal Government; and it now has to meet those who are attempting to uproot society. Now, I desire if possible to stem the tide of revolution: and I desire to unite every element that can be united in this State against this spirit, and, if possible, to remove from our midst that which has created dissension amongst us. There has not been a single proposition before the Convention that has met my entire concurrence, or that would meet with the concurrence of my people; but I have taken the responsibility of acting for them, fully believing that they prefer leaving it to this Convention to act in such a way as shall secure peace and tranquillity to the State.

Mr. ORR. It may be well to notice, Mr. President, how the disputants on this emancipation question are divided. Since the commencement of the emancipation excitement in Missouri, who is it that has kept it up? They have divided themselves into two classes—gradual and immediate emancipationists; and they have got up such a fight that it is with difficulty anybody else can be heard at all. Before, there was a Democratic party and a Conservative party; but now the whole fuss is between the two classes of Emancipationists. I take the position on the question that it matters little whether it is two, ten or twenty years hence. If you intend to take a man's negroes from him without paying him for them, this is as good a time as you will ever get; and if you *intend* to pay him, this is as good a time as any other. It seems to me that the tendency of all the discussion here has been to drown out those who are opposed to emancipation, so that all future excitement and all aspirants to office must be emancipationists or in favor of emancipation. Now, there are a couple of Senators to be elected in the fall, and I believe none of the gentlemen who are urging this discussion—myself and the gentleman from St. Louis (Mr. Breckinridge) alone excepted—but have declared they do not want to go to the Senate; and I suppose as there are but two, the contest will be between an emancipationist and an emancipationist. A third party would have no chance of being heard. [Laughter.]

Now, Mr. President, I am for submitting this question to the people next fall. It was so decided in this hall, by a vote of fifty-seven. The member for Pike changed his vote, and got up here to urge a reconsideration. Gentlemen say compromise and concession are good things. So they are when an oath and the Constitution are not at stake. I am for submitting this measure, and why? For the simple reason that the people will vote it down. The gentle-

man from Pike says he is willing to take the responsibility of not submitting it to the people. I do not shrink from any responsibility. We promised to submit the action of this Convention on one occasion, and for certain reasons postponed it; but supposing we should submit what this Convention has done, and the people should disclaim our action. Why, then, Reynolds would be Governor of Missouri to-day. When this Convention was elected, no man in Missouri ever expected it would have to decide this question of emancipation. The member for St. Louis (Mr. Drake) thinks it likely the people will have another Convention. The gentleman from Pike (Mr. Henderson) says if you vote to submit this matter to the people, it is very doubtful whether you will get it or not. So I believe; for I believe there is not a county in Missouri, to-day, in which the legal voters would not vote down this measure of emancipation. I am not in favor of changing the Constitution of Missouri, and changing the relations of master and slave, and wiping out of existence the one hundred thousand slaves, and asking the people of the State nothing at all about it. And do gentlemen here presume that the people of Missouri are so stupid and so submissive that we shall be permitted to wipe their property out of existence and in no way consult them about it, and giving them no appeal to any tribunal under heaven? Never; never. I am mistaken in the people of Missouri if it should be so. They will agitate; they will contend for what is right; and they will contend that anything we may do contrary to the Constitution is a nullity, and they will only have to appeal to Congress to annul it. You argue when you wish to change the Constitution that the people must not be consulted; but if gentlemen determine to pass this ordinance of emancipation and refuse to submit it to the people, every man who identifies himself with that party will never be heard of any more. I intend to vote for a proposition that will pay loyal men for their slaves; and if it be necessary, I am willing to be taxed that this measure of justice may be carried out. It is all very well for liberal minded gentlemen who don't own slaves to say that slave owners should be willing to offer their property as a sacrifice on the altar of their country. When gentlemen have made sacrifices of this kind themselves, and then come up here and so preach, we shall be ready to listen to them and shall have some kind of confidence in their teachings. I say I am opposed to emancipation because I am in favor of the laws of my country. If the State of Missouri will propose to wipe out slavery by a two-thirds vote, in the regular order as appointed by the Constitution, I never will raise my voice against it; but I never will consent to see negro slavery wiped out of this State in the illegal manner proposed. Take the responsibility, gentlemen, if you like; but God prevent me from ever daring to override the Constitution. And should you so decide, I take it that three short months will be enough to enable the people to decide it to be a nullity, and in opposition to the Constitution. I shall go to Mr. Lincoln and implore him to enforce protection at the point of the bayonet, if necessary, to uphold the laws of the land. I am a citizen of Missouri, and I am also a citizen of the United States as well; and while I yield obedience to the laws of Missouri as well as to the laws of the United States, I shall expect the authorities to protect me in the exercise of my rights.

The gentleman from Pike says that when an ordinance is passed by the Legislature it becomes a law, and nobody can alter it. But this body is not the Legislature, and there is no provision made in the Constitution for any such body; and therefore I differ with the gentleman in believing that this Convention can make any law at all. I am, Mr. President, opposed to the whole thing. I believe it will bring further agitation; that it will prolong the war, and lessen the probabilities of peace. Men will not willingly consent to have their property taken from them. If they do, it only shows that they are unworthy of the inestimable blessings of freedom and liberty bequeathed to them by their forefathers. A people who would consent to have their liberties unlawfully taken away from them are not deserving the blessing of a government. I shall therefore vote against reconsidering this proposition, because I am in favor of it—not that I might not desire it in a somewhat different shape, but I would rather vote for submitting it to the people in thirty days rather than that it should not be submitted at all.

Mr. Wilson (the President, who spoke from the floor of the Hall). There is, I believe, but one other gentleman upon this floor who has a special knowledge of the reasons which operated upon the gentlemen who were in opposition to the dominant party for the wording of the act providing for the calling of this Convention. The organic act, as it is called, authorizing the

calling of this Convention originated, I believe, in the Senate of Missouri; and in that body, as well as at this end of the capitol, (the lower house,) those who were opposed to the violent course of the Secessionists of that day were in a minority. In the Senate, I believe, we were only able to name eight out of the thirty-three who made a show of opposition to the dominant party of that day. This act calling a State Convention was discussed for a considerable time in both ends of the capitol; and the minority opposed to the bitter end the proposition submitted by the majority. Finally, ascertaining that the measure would be consummated by the majority vote of both houses, they fell back upon this 10th section, which provides for submitting any ordinance passed by the Convention to the peeple. That section was agreed upon, I believe, in a consultation with the Senators who were opposed to secession in the body at that time. I think that every one of the eight Senators was present when this 10th section was proposed; and I think that not one of the majority seemed to understand what was the object of the minority in inserting that section. It is as follows:

SECTION 10 (of an act to provide for calling a State Convention). "No act, ordinance or resolution of said Convention shall be deemed to be valid to change or dissolve the political relations of this State to the Government of the United States, or any other State, until the majority of qualified voters of the State, voting upon the question, shall ratify the same."

By this section, no ordinance to change the relations of this State to the Government of the United States should be binding until it was submitted to a direct vote of the people of the State. But here comes the expression "or any other State" that does not seem to be understood by any gentleman who has addressed us in the light in which it was regarded by the gentleman who insisted upon this amendment in the bill. Now, what was contemplated by this expression? At that day we expected, first, that this Convention was being called for the purpose of passing a secession ordinance, thus placing this State side by side with those that had seceded. Failing in that, we believed the Convention would fall back upon the doctrine of South Carolina of non-intercourse in trade between the slave and free States; and such being the supposed intention of these rash men, it was intended by this expression to prevent this Convention from doing an act of this character, without first submitting it to the people of the State. I will further undertake to say that this tenth section was forced into this act by the persistent and untiring exertions of the minority of the General Assembly in both Houses; and though it was distasteful and abhorrent to the majority, we delayed the passage of the act to such a great length of time that they could only accomplish their object, and could not get their act passed by both Houses unless they submitted to the minority in respect to this tenth section. I therefore feel bound by this tenth section, as a member of this Convention, to submit our action to the people when there is a possibility that a fair vote can be obtained.

Now, here is a proposition to take an immense amount of property from one class of the people; but if this scheme of spoliation be forced upon the people without consulting them in the matter, instead of bringing peace, quiet and security, as all desire, you will only multiply the difficulties of our position. That is my honest view of this matter; and in accordance with this view I have always been determined to act. I do not believe that the proposition embraced in this ordinance will give satisfaction to the majority of the people of this State, and I believe that no ordinance that can be proposed will give satisfaction unless the people are permitted to express their sentiments by voting upon it. I think, too, that those who were in favor of immediate emancipation should, at least, be honorable enough to propose to pay for this description of property at its fair market value. We are dealing with a great question, gentlemen, and it is one that should not be trifled with. The men who settled this State, trampled down the nettles, and encountered all the dangers and hardships of the first settlers, should be the last men towards whom we should deal in an unkind, unfair, or unfriendly spirit. Such men are not to be driven from the State. They only ask to be treated in justice and fairness; they do not ask for more; and shall we offer them less? Shall we pass this ordinance, and force it upon the people, and compel the slave owner to emancipate his slaves in the short term of seven years, and to fix the burden and the pauperism of slavery upon this class of men? You take away all the active and energetic laborers of which he is the owner, and compel him to maintain paupers made so by your act. Is this right or just? If you want a man's property take it and pay for it, and make the State responsible for the act; but I

never will, in this hall or anywhere else, consent to anything that seems robbing one man for the sake of another. I would not take property from an Abolitionist without full compensation. I have not come here to oppress any man, and I ask that the same justice should be extended to the class to which I belong, or did belong, until within a few days since.

Mr. BIRCH. May I ask what has caused you to change?

Mr. WILSON. I have explained the matter before and do not wish now to more particularly refer to it. No people on God's earth would be satisfied with so great a spoliation of their property as that contemplated; if they would I should be disposed to disown them. The people will not resort to violence, but you may depend upon it you will hear them in this hall, and in the Congress of the United States, and you will hear them wherever petitions are allowed to be presented, and they ought to be heard, and will be heard, before this slavery question is settled once and forever.

Gov. GAMBLE. One cannot fail to notice, Mr. President, that those who are opposed to this particular ordinance of emancipation are in favor of submitting it to the people, and those who are opposed to all emancipation, are also in favor of its submission. But, as I said before, the submission of any question containing as many sections as this ordinance, would be sure to be defeated by the combination of the opponents of the different sections. Sir, that is no way in which the true sense of the people is to be ascertained. If there is a real and earnest desire to have the views of the people upon the subject of emancipation, the shortest, best and easiest way—the way, too, in which we avoid all responsibility—is to throw it back upon that body that must ultimately determine it, and that is to call a new Convention of the people. There are, I know, a great many persons who take pains to represent that I am a clog upon the wheels of emancipation. They have, I understand, a picture in St. Louis, in which I am represented as putting down the brakes, while my friend Mr. Drake is represented as driving the car and putting on a full head of steam. [Laughter.] Seeing that neither the Committee on Emancipation nor this body can agree upon any single project of emancipation, and that a diversity of opinion exists, instead of consuming time in debating the different schemes of emancipation, it would be better to call a new Convention, so that we may have a true expression of the popular will; and then nothing would have to be said about the constitutionality of its proceedings, and there would be an entire acquiescence in the action of such a Convention throughout the State. It would, besides, settle the relations of this State with the Federal Government, and if it should be decided to get rid of slavery we should be rid of that connecting link between this State and those that have seceded, and to get rid of slavery would be to cement this State to the Union and prevent those that have seceded from desiring our partnership.

With respect to the tenth section of the act calling this Convention, I consider that as the limitation of the powers conferred by the first section. If the limitation does not require the submission to the people of all the ordinances we may adopt, then the ordinance of emancipation is not required to be submitted, because it is not an ordinance of emancipation that is in any way to disturb our relations to the Federal Government.

I simply make these suggestions for the consideration of the Convention. If it be thought best to submit this ordinance to the people, I believe it will give more satisfaction, instead of passing an ordinance of emancipation, to pass an ordinance for calling a new Convention.

Mr. DRAKE. I have just such an ordinance in my drawer, and only wait a favorable opportunity to present it.

Mr. STEWART. I am glad to find that gentlemen are coming up to my original proposition. The Convention having done that for which they were convened should call a new Convention, and resign.

Mr. WOOLFOLK (in explanation of his vote). The gentleman from St. Louis (Mr. Drake) has shown that a passage of an ordinance of emancipation, without submission to the people, will not give us peace. It will form but a new pretence for agitation, violence, and the ultimate destruction of slavery by the bayonet. Believing this, I would provide for the submission of the ordinance; but I would do it when its submission would have a moral effect; I would submit it to the people, not to bayonets. The submission of this ordinance in 1863 could not have any moral effect, or quiet agitation, whether the people accept or reject our ordinance. We all know, and the people know, that there can be no fair vote on this question now. But to submit our action to the people in November, 1864, would quiet agitation now, as it would

be too early to commence agitation. Such a policy would also best hush the clamor of demagogues; and it is to be hoped that by November, 1864, the military question will be settled, when we can soon settle the negro question also. But believing, sir, that submission in 1863, and no submission, will alike continue this slavery agitation in the State, I must vote for the motion to reconsider.

The motion to reconsider was then put to the vote, the ayes and noes being called for by Mr. Drake.

AYES—Messrs. Bass, Bast, Birch, Bogy, Breckinridge, Bridge, Broadhead, Calhoun, Cayce, Comingo, Deal, Douglass, Drake of M., Duvall, Flood, Frayser, Gamble, Gantt, Hall of R., Henderson, Hitchcock, Holmes, Holt, How, Howell, Irwin, Jackson, Kidd, Long, Marvin, Matson, McCormack, McDowell, McFerran, Moxley, Noell, Phillips, Pomeroy, Prewitt, Ritchey, Ross, Sayre, Shackelford of H., Shackelford of St. L., Sheeley, Smith of St. L., Waller, Welch, Woodson, and Woolfolk—50.

NOES—Messrs. Allen, Baker, Bartlett, Bonnifield, Bush, Doniphan, Drake of St. L., Dunn, Eitzen, Foster, Gorin, Hough, Isbell, Jamison, Johnson, Leeper, Lindenbower, Linton, McClurg, McLean, Meyer, Morrow, Orr, Rankin, Ray, Schofield, Scott, Shanklin, Smith of L., Stewart, Vanbuskirk, Walker, and Mr. President—33.

Then the question recurred to the amendment offered by Mr. Drake, submitting the ordinance to a vote of the people in November, 1863.

On motion of Mr. MEYER, the Convention adjourned, to meet at half-past 2 P. M.

AFTERNOON SESSION.

Convention met at half-past 2 P. M.

The consideration of the pending amendment was resumed.

Mr. STEWART. I understand the question now before this body is on agreeing to the amendment. I shall vote *aye*, because I wish the whole matter referred to the people. I believe the people from every hill and dale throughout the State will vote for emancipation, and I utterly repudiate the sentiment I have heard here, that we have *no people*, in the proper sense of that term; and I do not believe in the cry that has been made here of the great danger to the cause of emancipation from submitting this question to the people. I know at least fourteen counties which would be opposed to such an ordinance as that reported by the committee.

Mr. SCHOFIELD. I feel, sir, I have a duty to discharge to myself, in making a brief explanation so as to place myself right, at least in relation to my constituents, and that it may also be known by this Convention whether I am a mutineer or a law-abiding man. The course I took and the counsel I gave respecting the enforcement of the military law passed by the Legislature last winter, when it was being enforced in my district by the legitimate military authorities, I will briefly state. When Governor Gamble issued the order to raise by detailing Union men to fill up what are designated provisional regiments for State service; and when gentlemen who held seats in both branches of the Legislature from my section of the State, and voted, too, for that military bill, saw its effects on Union soldiers, and were trying to evade the odium by insinuating that General Hall, or others, had misconstrued the law, or it would not have been oppressive to Union soldiers—thus countenancing and encouraging opposition to the orders of the military authorities—I advised obedience, though I did not then, nor do I now, believe the law just or constitutional, that would require a man who had served the State a year or more without pay to give thirty dollars to the State, to secure exemption from further service, when at the time the State was indebted to him for a year or more back pay; and, besides, the agreement it made, in consideration of thirty dollars, to exempt a man for one year from military duty, would be a nullity if a call were made for soldiers from this State by the President.

Mr. DRAKE. Prior to the adjournment there proceeded from my colleague, the Governor, an intimation of the desirableness to call a new Convention; at the same time the gentleman from Henry presented a resolution looking to the submission of the points of emancipation to the people. I have been engaged since the adjournment of the Convention in endeavoring to perfect one of these plans, should the Convention see fit to decide upon it, to-wit, that advocated by the Governor. I will read for information.

Mr. GANTT. The gentleman is not in order. I ask, Mr. President, if the gentleman is in order?

Mr. DRAKE. Does the gentleman call me to order?

Mr. GANTT. I do.

Mr. DRAKE. State your point of order.

Mr. GANTT. The point of order is, that what the gentleman is saying is not in the least relevant to the question before the Convention.

Mr. DRAKE. Will the Clerk please put that down in the minutes? Let us see whether or not I am in order. I was going to discuss the proposition that is before the Convention, and I regret that the gentleman did not wait to hear me enunciate my views of the proposition now before this body, as to whether it shall be referred to a vote of the people on the Tuesday next after the first Monday in November. There have been two propositions from gentlemen of this body. One suggestion is the calling of another Convention; while another suggests submitting certain points. Now, I regard the best settlement of the matter would be for this Convention to pass an ordinance calling another Convention, and taking a vote of the people upon the broad principle of emancipation, or no emancipation. If a majority of all the votes are in favor of emancipation, then the Convention elected shall be held. If the majority of all the votes are against emancipation, then the Convention shall not be held. In that way we get rid of the responsibility resting upon this body. If we undertake to put before the people specific points, in deciding against them they may defeat emancipation. To my mind it seems wise and expedient to adopt such a measure as this, in lieu of what has been proposed—that is, to throw it back upon the people; and if they are in favor of emancipation, let them send gentlemen here who will carry out their views.

GOV. GAMBLE. Rather than submit the bare proposition as contained in the ordinance before the Convention, I would prefer seeing a new Convention. The gentleman from Henry (Mr. Marvin), has, I believe, a proposition which will be most likely to secure all the results desired, and I believe it is better than calling a new Convention. I think gentlemen here are capable of digesting the different propositions, and adopting some one that will meet the wishes of the people at large.

Mr. HENDERSON. The proposition now before the body is whether we shall adopt the amendment offered by the gentleman from St. Louis (Mr. Drake) as a substitute for that offered by the gentleman from Livingston, (Mr. Woolfolk,) that is, whether this ordinance of emancipation shall be submitted to the people for their ratification or rejection. A great deal of extraneous matter has been brought into the discussion upon this question. The gentleman from Livingston offered a proposition to submit this ordinance to the people in November, 1864. The gentleman from St. Louis (Mr. Drake) offered an amendment to submit it in November, 1863, and the amendment of the gentleman from St. Louis was adopted. I then moved to reconsider the vote by which that amendment was adopted; and, now, therefore, the question is whether the amendment as amended shall be made part of the bill. But we have left that proposition, and the gentleman from St. Louis (Mr. Drake) is discussing the propriety of calling a new Convention. Now, the gentleman from Henry proposes to offer another proposition, which is one of reference to the committee. That proposition certainly is not in order until we have disposed of that pending.

Mr. LINDENBOWER. I move that the Convention lay this whole matter—that is, the ordinance and the amendment—on the table. I call for the ayes and noes.

The question being submitted to vote, the result was—ayes, 17; noes, 63.

Leave of absence was granted to Mr. Phillips.

Mr. MARVIN. I rise, sir, to move a reference of this whole matter to the committee that reported it. The more I hear of this discussion the less seems to be the likelihood of this body coming to any satisfactory conclusion respecting it. There will be time enough after the proposition is entirely perfected to take any vote as to whether it shall be submitted to the people or not. I beg therefore to offer to the consideration of the Convention, the following:

Resolved, That all the pending propositions, and all pending amendments thereof, be referred to the Committee on Emancipation, with instructions to report to this body at 10 o'clock to-morrow morning, three distinct ordinances of emancipation, to be numbered respectively one, two and three, which, when adopted by this body, shall be submitted to a vote of the people at the judicial election, to be held in this State, on the first Tuesday after the first Monday in November, 1863. At the same time, the distinct propositions for emancipation and against emancipation shall be submitted to a vote of the people; and if a majority of the legal voters of this State vote for emancipation, then, and in that case, the ordinance which shall receive the largest number of legal votes shall thereupon be and become a part of the Constitution of the State.

Mr. SAYRE. I submit, Mr. President, that the proposition is not in order.

The PRESIDENT. The Chair is of opinion that it is not in order.

Mr. HALL of R. I regard the proposition of the gentleman from Henry, now before the House, substantially as an amendment to that previously submitted.

Mr. DRAKE. There is one difficulty that occurs to me, and I mention it for the consideration of those who will have to frame the different propositions of emancipation that are to go before the people to be voted upon: it is, supposing the committee should fix the shortest period, that of 1870.

Mr. MARVIN. These ordinances are to be submitted to the Convention, and they will have the liberty of moving amendments to them.

Mr. DRAKE. The responsibility is still thrown upon the Convention. A much better way would be to submit the general question of emancipation or no emancipation to the people, and if they carry the emancipation question, for the people's agents to come here and decide the matter once for all.

Mr. MARVIN. If we call another Convention it might possibly stand as does this Convention, or the Legislature, in relation to this question. My idea was to frame three propositions, say, slavery to become extinct in 1866, with a short servitude; a second, for slavery to cease in, say, 1870, with a longer servitude; and a third, that slavery shall entirely cease in 1876 or 1880. These three distinct propositions before the people, each man might vote for or against emancipation as he pleased, and, at the same time, to vote for one of these plans. In this way, you arrive at something tangible.

Gov. GAMBLE. As soon as this proposition was before the Convention and seemed likely to be entertained and acted upon, I applied to my colleague, (Mr. Drake,) who, I supposed represented the ultra views on emancipation, and asked him whether he had any plan that would be likely to be acceptable to the gentlemen who acted with him. I thought it proper to make the application in order that his plan, drawn up as he supposed would best obtain the votes of the people, might be submitted to the committee. I would have desired any other gentleman, had I known such, who represented any other set of views, to have done the same thing, so that the committee should have had brought together the different views entertained in this body, and thereby have been enabled to report an ordinance that would be acceptable to the different divisions of the House, and that would be prepared to be submitted to the people for their vote. When the committee reported, the question would be, not whether the House approved of this plan or the other, but whether the report represented the views of the whole House.

Mr. SOL. SMITH. The members of the Convention, after having well considered this question of emancipation, and having about made up their minds, are now called upon to consider this new scheme. After considering the matter in this body for two weeks, we now propose to send it back to the committee, to adopt three plans to be submitted to the Convention, and then to the people. Why, sir, I can see no particular reason for adopting three plans; three hundred might be proposed and none be wholly satisfactory. Certainly no one of the three is entirely satisfactory to me; but, for the sake of peace and harmony, I am as willing as any other man to abandon my previous opinions, if by so doing it will accomplish emancipation in Missouri. I confess, Mr. President, I do not see the propriety of the proposed plan. It seems to me to throw new difficulties in the way, and I hope it will be voted down.

Mr. HALL of R. I hope it will not be voted down. The difficulty we have experienced here has been in the effort to make one out of three plans. There are those here in favor of immediate emancipation, with apprenticeship; others would have an end of slavery in 1870, while others desire a much later period. The result has been that we have been acting on the theory of only one plan; we have, by shortening one and lengthening another, tried to make peace, and obtain a majority vote upon it; but I am not satisfied, and other gentlemen are not satisfied with it. Instead, therefore, of endeavoring to force three plans into one, we should permit the three plans to remain what they are, representing the three main ideas entertained in this Convention and among the people. Let these plans be put before the people. Let the whole people vote upon the question of emancipation or no emancipation, and let their votes be taken upon the particular plan they prefer; and that will be adopted for which the largest number of votes is cast. Our experience shows us, as was the case in the last Legislature, that absolute unanimity on the part of ninety-nine men, representing such varied views, is im-

possible, and therefore, as a better arrangement, I approve of this resolution.

Mr. SMITH of Linn. Mr. President, about three-fourths of the members of this Convention have sat quietly in their seats and listened to the various propositions of gentlemen, now over two weeks. In the language of Governor Stewart, "the machine has been run" by about eight or ten members for these two weeks. We have listened to their propositions with patience and attention, and about the time we expected to be drawing to the close of our proceedings and be freed from our attendance on these discussions—and I confess I have already heard more than I can well digest—I say, after this patient attention for the past two weeks, instead of coming to a vote, concluding our labors, and going home, we are to have three propositions thrust upon us, that promise no end of discussion. Sir, I wish to do my duty here, and act my part as a representative of my constituents like a sensible man; but, sir, if I have ever witnessed a proceeding that looked more like child's play than that which is now attempted to be thrust upon this Convention, I have no recollection of it. If the gentlemen who have occupied our time thus far will only oblige us by keeping their seats, and permit those who have thus far been silent listeners *to work*, we will get through with the business by 12 o'clock to-morrow without difficulty. Let us, I pray you, gentlemen, act like men, not like children. If we think our work should be submitted to the people, let us do it; if not, let us do without it. But after two weeks spent — shall I say wasted? — in discussing this matter, I do protest against laying aside that which we have nearly completed, for the purpose of taking up three other plans. We might as well consent to take up eighty-five new plans—one for each member here.

Mr. PHILLIPS. I very much hoped, from the progress this discussion had made, that we should have been able to take a final vote upon the proposition and have adjourned to-morrow. I see no reason why this Convention may not vote on the proposition and adjourn to-morrow. My experience in the Legislature of the State is, that after a proposition has been discussed for a considerable length of time, until all the members have committed themselves to one side or the other, if that proposition is recommitted and returned to the body again, the discussion goes all over again; amendments will be offered to "place gentlemen right upon the record," as they call it. If this proposition is adopted, I see no chance of adjourning in anything like a reasonable time. I have an objection to submitting these three propositions to the people. I am satisfied there will not be one of them that will command a majority of the votes of the people; and there is not one of them that would command a majority of the votes of this House. There is a party in this House in favor of immediate emancipation, another for gradual emancipation, and another class against all emancipation. So with the people; and the result will be that this immense pecuniary interest, say at least forty to sixty millions of dollars, is swept out of existence by less than a majority vote of the people. One of them will have a plurality of course; but I, for one, cannot consent to submit so grave a question to be decided, in all probability, by less than a majority vote.

Mr. DUNN. The proposition before the House is a problem that can be solved by one of the simplest rules of arithmetic. If it takes this Convention two weeks and two days to get to the third section of a single ordinance, that suits nobody, how long will it take the same Convention to perfect three ordinances, that will suit everybody? I am seriously inclined, Mr. President, to think with my friend from Linn, that we had better discharge the engineers, and try a new set. The present ones have nearly run us off the track. It seems to me we are trifling with the whole subject. Yesterday, if we had remained in session a few minutes longer, we might, I think, have disposed of the whole question. This evening, if we have patience to take a vote, we can settle it one way or another. Let us first see if the Convention is in favor of the adoption of the amendment of the gentleman from St. Louis (Mr. Drake) to submit the question to the people in November, 1863. If we adopt the proposition of the gentleman from Henry, we are at sea again. We instruct the committee to report three distinct propositions of emancipation, and of course after they have done their best, and submitted these three propositions, the Convention will not be bound to limit itself to action upon any one of these propositions, and the whole question is again opened up, the same ground has again to be gone over, and the work already accomplished to be done afresh. If three propositions are offered, will it not be possible for some one to offer a fourth, others a fifth, and so on indefinitely? But it is

replied, we are limited to three; the friends of each will of course desire that each separate proposition should be perfected, and each distinct proposition may require as much time to perfect it as this we have been discussing from the first. I am not pledged to any particular scheme of emancipation; but really, if the Convention goes on as it has done, we shall adopt none at all. Let us, at least, take a vote on the proposition of the gentleman from St. Louis. If it is thought desirable not to submit that proposition to the people in November next, surely there are many additional reasons why this new scheme, with its more complicated propositions, should not be submitted, and therefore I hope it will be voted down.

Mr. MARVIN. It is quite true, as objected by the gentleman from Johnson, that a minority might determine what plan of emancipation should be adopted; but it would require a majority to decide whether there should be emancipation, or no emancipation; and if a majority decided against emancipation, neither plan would be adopted. As to other plans being urged, I am of opinion that the whole thing has been so well and thoroughly discussed, that the committee are fully aware how the minds of the members of this body stand in relation to this subject, and that by 10 o'clock to-morrow they would have three plans completed that would take the wind out of the sails of agitators on every side. [Loud cries of "Question."]

The PRESIDENT. The question is on the recommitment of all the ordinances.

The motion, on being put to the vote, was negatived.

Mr. DRAKE. I would inquire of the Convention if it would not be wise, at this stage of our proceedings, to postpone the decision of this matter for thirty minutes; I think we may then come to an understanding and settle our difficulties. I think we had better get it out of our hands and put it into the hands of the people.

Mr. BIRCH. I am waiting for the first opportunity to offer just such a resolution, and which, I think, will accomplish the end desired. [Loud cries of "Question."]

Mr. CALHOUN. I venture to say that if every member of this Convention had to foot the bill of expenses out of his own coffers, there would be less talk and more business done. I have always been opposed to emancipation; but if the peace of the State is to be secured by emancipation, I am willing to make concessions. We are told that unless this great question of slavery is disposed of, we shall never have peace; but, who, I ask, is making this question? The property about which there is all this agitation is secured to us by law, and now you come and want to take it away from us without compensation, and in the very face of the pledges of the Constitution. Is this patriotic, honest, or just? I know instances in my neighborhood where slave property, belonging to little girls, is their only reliance; they have no other means of support. Now you propose to take this property away from them without compensation. Who, I ask, is it that is to make these sacrifices for the peace of the country? I am, however, opposed to wordy discussion, and want to come to the question at once.

Mr. IRWIN. I move the previous question.

Mr. BRECKINRIDGE. I wish to make a suggestion to the gentleman from Shelby, namely, that the ordinance as it shall be reported by the committee shall have the amendment already offered incorporated in it.

Mr. IRWIN. I expect, were we to stay here till this time next week, there are gentlemen here who would have speeches to make. I venture to say that three-fourths of the gentlemen here have been sitting in silence; and all the speaking on this floor has been done by one-fourth of the members of the Convention. Every effort has been made to get a vote upon this proposition for three or four consecutive days. Often we have been on the eve of voting, when from a motion to adjourn, or some other cause, it has been defeated. I feel constrained to insist upon the motion. I move the previous question. If any gentleman here wishes to offer an amendment material to this ordinance, and will pledge himself to offer it without debate, I will withdraw the call for the previous question.

Mr. HOUGH. I presented a proposition in regard to the payment of the owners of slaves who were to be manumitted by this ordinance. That proposition I want to be submitted to the Convention.

Amid considerable excitement, Mr. Irwin withdrew his motion for the previous question.

Mr. WOOLFOLK arose to a privileged question.

Mr. President, much as I dislike to occupy the attention of this body with a matter of purely personal concern, I feel it due, not only to myself, but to this Convention, to briefly reply to the numerous slanders and denunciations

which have been heaped upon me within the past few months. Had these denunciations been confined to myself alone I should have borne them in silence, and trusted to time for my vindication; but when I see the Governor of the State assailed for accepting my resignation, and the radical press hurling my name at this body as a term of reproach, for the reason that I have always acted with the majority of its members, I feel that it is due to others to say something in my own defence.

In my own county of Livingston I find the following among a series of resolutions given to the public press:

"*Resolved*, That Alex. M. Woolfolk, having left his district for the district's good, has by his course forfeited all title to be even called a Union man; and we utterly repudiate him, and request him to resign his seat in the State Convention.

"*Resolved*, That we believe *immediate emancipation* to be the best policy to secure the peace and prosperity of our State; and we would therefore instruct our two delegates in the State Convention—Jacob Smith and —— Jackson—to vote for such a policy, covering as far as possible the rights of loyal owners."

I have searched the record of this meeting in vain to find the familiar names of men who were true to the Union in days when loyalty meant something in Livingston county; but they were not in the meeting. On the contrary, its prominent actors were imported from Hannibal, and scraped up along the Iowa line; and I find the same persons officiating as high priests in similar Abolition gatherings over the district. Yes, sir; this meeting—composed, I am informed, of the scum of Livingston and adjoining counties, and not more respectable in numbers than in character—presumed to dictate to the seventeen hundred voters of Livingston county, and recommended immediate emancipation as the voice of a county which, at its last election, held in the midst of bayonets, voted almost unanimously against even gradual emancipation.

With unparalleled impudence these revolutionary Jacobins also request me to resign my seat in this Convention. Surely, they know that their support did not elect me to this body. They well know that such of them as voted for me did so merely because they could not possibly elect a man of *their own stripe;* that I have always despised them and their Abolition brothers of the Free States; and that the good people of Livingston honored me with a seat in this body not only because of my loyalty, but also because of my well known antipathy to the principles of all such men as they.

But it seems never to have occurred to the men who have denounced me that they were acting solely on *ex parte* statements; that the pamphlet they denounced had been suppressed, and only garbled extracts had been published. It never occurred to them that private as well as political antagonism may have conspired to cause the suppression of a letter written by a subordinate officer, and published beneath the eye of his superior; and that they might be doing injustice to a man whom they tried and condemned without a hearing.

But what did the pamphlet contain, which rendered it so very odious to the Charcoal population of the country? Several pages of it were devoted to showing the necessity of a vigorous prosecution of the war. This portion of the pamphlet having already been published in the *Republican*, I will only quote the concluding sentence. It is as follows:

"In this, the crisis of our country's fate, let all parties unite at least in a vigorous prosecution of the war. We may be forced to adopt a peace policy in one, two or six months; but now it is premature. War is upon us—it is needless to inquire by whose fault. It is sufficient to know that military success has become necessary to our national salvation. While the South is under the military control of the leaders an armistice and peace convention could result in nothing, unless a recognition of the Southern Confederacy. Let Democrats adhere, then, firmly to their principles, but to their country also. If our Congressmen belonging to that party meet in convention, let it be a Union as well as peace convention, and let them present to the South the alternatives of disunion and war, or Union, equal rights and peace. If the leaders shall still persist in rebellion, let us blazon 'Union and Equal Rights' upon our banners; shout them forth as we sweep to the assault, and perish, if need be, in one last united effort to preserve the noblest Government on earth."

And is all this treason? Can these cowardly miscreants, who fear to take up arms themselves in defence of their country, find no better employment than that of denouncing a soldier who expressed his willingness "to perish, if need be," to preserve his Government? Would they have him do something more than perish? Have they no word of censure for their Abolition brethren of the North—for Conway of

Kansas and Greeley of the *Tribune*—who favored peace and a recognition of the Southern Confederacy?

But it is urged that I favored a dissolution of the Union, and the erection of a Western Republic upon its ruins. I deny it, sir. Not one line in that pamphlet favored a dissolution of the Union. True, in the latter portion of the pamphlet, I did speculate upon the consequences, if the United States recognized the independence of the Southern Confederacy. When it was written—in February last—such an event seemed probable. The disasters at Fredericksburg and Vicksburg had filled the nation with gloom. The Legislatures of various States had passed peace resolutions. The Abolitionists themselves seemed prepared to follow their leaders, Conway and Greeley, who had publicly favored the recognition of Confederate independence. Disunion seemed not only probable, but imminent. It was yawning at our very feet, and I looked into the gulf before me. I knew, sir, that three years ago almost every prominent politician of Missouri was pledged either publicly or privately to advocate the annexation of Missouri to the Southern Confederacy in the event of a dissolution of the Union. I desired to impress upon the popular mind that even in the event the Government was destroyed, Missouri must share the destiny of the free States around her—the destiny of the West, not that of the South. But let the pamphlet speak for itself. After assuming that if the Government recognized the independence of the Confederate States the Border States would be left to determine their own destinies, the pamphlet proceeds as follows:

"If the Union is divided, this must ultimately be the mode of adjusting boundaries; and the natural inquiry arises, what is Missouri's destiny? *Should Missouri join the Southern Confederacy?*

"This question has been so frequently and thoroughly discussed that it is unnecessary to bestow upon it more than a passing notice. While it may be true that Missouri must have the free navigation of the Mississippi, and the Southern market for her products, it is also true that nature has indissolubly linked her destiny with that of the free States around her. She could not separate from Kansas, Iowa and Illinois, even if she would. Her productions and latitude are the same, she is washed by the same river, and her people are linked to them by the ties of blood and intercourse. For over a thousand miles they stretch along her border, and constitute her eastern, northern and western boundaries. Whatever fate awaits these States, Missouri is destined to share it with them. She could never become a border State in the Southern Confederacy, with these adjoining States belonging to a different Government. Were there no other reason why Missouri should not join the Southern Confederacy, its form of government would itself constitute a serious objection. The Confederate Constitution recognizes the right of secession, and thus provides for its own destruction. A political election, resulting in the temporary triumph of principles odious to any, or the majority of any State, would provoke the calling of a Convention, and an ordinance of secession. No such government can be permanent. Fragile as a summer's cloud, the first breath of passion would dissolve it. No patriot would desire to unite his destinies with such a government, for he could have no confidence in its stability. Neither could the loyal men of Missouri, consistently with self-respect, become an integral part of a nation which they had battled to overthrow. Never, by their voluntary act, will they assume their proportion of an enormous public debt, which had been created by armed resistance to themselves."

Sir, this was once the language of the Union party in Missouri. Have times so changed that it is now the language of treason? Is a man to be denounced as a traitor, now, because he urges a vigorous prosecution of the war to preserve the Union; and advocates that *even if the Government is destroyed, Missouri should remain with the free States, instead of joining the Southern Confederacy?* General Loan suppressed the pamphlet which contained these positions. The radicals denounced it as treason—but suppression and denunciation, though the principal weapons of fanaticism, are not regarded by enlightened reason as infallible tests of either good or evil. Jesus Christ was crucified, and the Bible has been suppressed and burnt; but this neither proved Christ to be an impostor, nor the Bible a fiction. Do I understand these gentlemen to be opposed to a vigorous prosecution of the war, that they denounce a pamphlet which endeavored to show its necessity? Or are these gentlemen in favor of Missouri joining the Southern Confederacy if the Union is dissolved, and assail me because I insist that even then she cannot go with the South, but must share the destiny of the free States around her? In God's name,

what does all this tirade of abuse, these burnings in effigy, mean? I am aware that any Brigadier General can crush and ruin his subordinate officer, if he desires it; but why "Tray, Blanch and Sweetheart—the little dogs and all"—should bark at me as a traitor, when they have never seen the pamphlet I had written, is an enigma which I am unable to solve. General Curtis seems not to have considered me a traitor, for he relieved me from arrest, and afterwards approved my resignation. General Curtis is usually regarded as a thorough Union man, and surely he would have dismissed a traitor dishonorably from the service, if he did not send him to Fort Lafayette.

Yet it is urged that I advocated the formation of a Western Republic upon the ruins of the Union. I deny, sir, that I desired a dissolution of the Union, or the erection of a Western Republic. But I did say that "if the Union is divided, the West will sooner or later consult her own interests—become an independent government, and establish friendly relations with the South." And I endeavored to show the numerous causes which would lead to such a result. But at the same time I said, "The great West finds her true position in being the centre of the old Union." When a candidate for a seat in this Convention, I publicly expressed the same opinions in regard to the destiny of the West, if the Union was destroyed, as are contained in the pamphlet; and yet I was supported by the Union party of my district. But this is mere speculation. If the Union is destroyed, twenty new governments may rise on its ruins. If the Union is destroyed, God only knows what will result. But does saying this, make me an advocate of a Western Republic, of twenty new governments, and all the untold evils of a dissolution of the Union? If such a disaster as a dissolution of the Union is to befall our unhappy people, we will be fortunate if we succeed in establishing on its ruins a Western Republic, or any other Republic which will transmit the blessings of freedom to our posterity. If the Union is destroyed, I should look to thorough disintegration as the only hope of reconstruction. The endless antagonisms of two rival Governments would forever destroy such a hope.

But if there is any merit or any odium in the idea that a Western Republic will result, if the Union is destroyed, the "Missouri Democrat" is entitled to more credit or blame than myself. On the 25th of February last, some ten days before my pamphlet was published, the "Democrat" had a long article on the subject of a dissolution of the Union, in which occur the following passages:

"The Mississippi throughout its length and with all its affluents should be subject to our Government. The same flag which waves at its source, should float at its mouth. But if, unhappily, an alien nationality should establish itself at the South, *then an ultimate rupture of the Northern Republic and an alliance with the Confederate States are as certain as the facts of history.*"

But the "Democrat" continues in the same strain:

"General Bragg utters an important truth when he says there is a community of interest between the West and South. Bound together by the strong ties of trade and geographical situation, these sections cannot be permanently separated, *and if the Confederate States assert their independence, the Valley of the Mississippi will ultimately become an ally of the South.*"

This may seem a groundless apprehension, since no champions of the Union have fought with more heroic devotion than the soldiers of the Northwest. Many a blood-bought victory attest their stubborn valor and gallant patriotism, but in long periods the great laws of human interest will prevail. The ties which unite the South and the West are in their nature indissoluble. If, therefore, we wish to prevent the alienation of the West, we must prevent the secession of the South. To preserve an undivided North, we must conquer a rebellious South. *To prevent the West from going out of the Union, we must bring the South back into it.*"

Now, sir, I defy any one to point out any expression in my pamphlet more favorable to the formation of a Western Republic than these passages of the Democrat. I never said that a Western Republic was as certain as the facts of history; but the Democrat does say so. Where, then, is the difference between them? How does it happen that this sheet, after giving utterance to such expressions, still retains its reputation for loyalty *par excellence*, while the pamphlet is denounced as treasonable? There was one difference between them, and in that difference consisted the head and front of my offending. I was a conservative—the Democrat a radical. I was a Democrat—it an Abolition journal. And is it treason, sir, to be a Democrat? True, I have observed that a

Lieutenant, less fortunate than myself, was dismissed from the service for voting the Democratic ticket in the New Hampshire elections; but, notwithstanding this fact, I must still persist in desiring the success of the Democratic party. From the beginning of our history that party has had almost uninterrupted control of our National destinies, and during this entire period we were happy and prosperous. Our country rose to the first rank among the nations of the earth; peace reigned throughout our borders; no public debt hung over us, and no onerous taxation oppressed our people. The Government, under Democratic rule, was known only by its blessings.

I will not contrast our present with the past. The contrast would be too painful. But, even if it be a crime, I must still desire the success of a party under whose rule the nation prospered, and who merely seek to restore the old order of things — "the Constitution as it is, the Union as it was." Always a Democrat, I loved that gallant party in its days of power; but when I see it now, struggling amid the gleam of bayonets for the Constitution and the Union, its leading journals suppressed, and its chosen leaders stricken down by the strong arm of military power, yet, still pressing onward, unterrified by threats and calumnies, and undaunted by the perils that thicken about its pathway, I can but feel for it the deepest, warmest sympathy. Yes, God bless the lion-hearted Democracy of the North! Their bleeding country looks to them with hope in its hour of trial. May they succeed in preserving the Union as our fathers made it. But if this cannot be, let them save from the wreck the liberties of the people, and the gratitude of coming generations will cluster about them forever.

The most serious objection to the pamphlet is urged by gentlemen who find no fault with the article, in itself considered; but regard it as inappropriate, coming from an officer in the service. This may be true; but I will briefly give my reasons for making the publication. I had enlisted in the service when the war was prosecuted on different principles from those now inaugurated. From choice, I had enlisted in the State service, and taken the following oath:

"You, each and every one of you, do solemnly swear that you will honestly and faithfully serve the State of Missouri against all her enemies; that you will do your utmost to sustain the Constitution and laws of the United States, *and of this State, against all violence of whatever kind or description;* and you do further swear that you will well and truly execute and obey the lawful orders of all officers properly placed over you whilst on duty: so help you God."

I desired to observe this oath in good faith. But, once in the service, many orders were given me to obey which I could not but regard as in violation of the laws of Missouri which I had sworn to support. For instance, I was ordered to retain slaves within my lines when they belonged to disloyal owners. I could deliver up a rebel's horse, but not his negro. I could exclude a dirty white man from my lines, but a negro must receive admittance, support and protection. Yet the laws of Missouri make it a penitentiary offence to steal or harbor negroes, and I had sworn "to sustain the laws of this State against all violence of whatever kind and description."

Again, sir, Brigadier General Loan, my immediate commander, was in the habit of issuing such orders as the following:

"JEFFERSON CITY, Mo., Jan. 20, 1863.

"General Orders, No. 3.

[Extract.]

* * * * * * * * *

"II. That all persons who shall knowingly harbor, conceal, aid or abet, by furnishing food, clothing, information, protection, or any assistance whatever, to any such emissary, Confederate officer or soldier, partisan ranger, bushwhacker, robber or thief, shall be promptly executed by the first commissioned officer into whose hands he or they may be delivered, or under whose control he or they may be placed.

"The houses at which such persons receive *food, protection, or assistance, in any way, shall be destroyed;* and the personal property found at such places, or on the farms belonging thereto, shall be seized and applied to the indemnification of Union citizens for the losses sustained by them in consequence of the wrongful acts of these bands.

"III. That any officer in this Military District who shall fail to execute promptly the foregoing provisions of this order, will be tried by a Court Martial for disobedience of orders."

Under this bloody code, any commissioned officer was authorized to murder, burn and plunder to his heart's content, without any trial in the case. Under this order, it was immaterial also whether the bushwhackers had the consent of the owner of the house, or fed upon him forcibly; in either event, his house was to be destroyed. Neither was there to be any trial in the case before any tribunal, civil

or military, but any commissioned officer in command of a scout was authorized to burn any house to which he regarded the order as applying; thus giving general license to all officers to destroy, on *ex parte* statements, the property of any citizen who might be odious to the informer against him.

The *laws* of Missouri provide severe penalties for house-burning, and yet *I was ordered to turn incendiary on a wholesale system, in express violation of the laws I had sworn to support.* I am glad, for the sake of civilization itself, that this order was afterwards revoked by higher authority; but I am informed that the revocation came too late to prevent Jackson county from being laid in ruins by Col. Pennick, for whose benefit, I presume, the order was issued. I could enumerate other cases, but it is unnecessary. Now, sir, what was I to do? I should have resigned at once, but I disliked voluntarily to abandon the men who had enlisted under me. As an obedient soldier, I could not well disobey orders of superior officers, although forced to do so in many instances. As an honest man, I could not disregard my oath to sustain the laws of Missouri. What, then, was to be done?

I resolved to make a personal explanation, be the consequences what they might. I felt that this was the path of honor to a man who valued his principles more than his position. If my opinions, as expressed, were inconsistent with my position as an officer in the army, I was ready at once to abandon that position. Placed under the command of a political General (Ben Loan), whom I regarded as using his military authority to build up party, at the expense of the peace and welfare of the State, I was unwilling to be his tool, and sacrifice my own principles in accomplishing his partisan purposes. I felt it time, sir, to arise to a privileged question, and make a personal explanation. I preferred to explain once for all, to being forced to explain the remainder of my life. I desired to leave it on record that, although in a notorious brigade, with Pennick for my comrade, and Loan for my commander, I was neither a house-burner nor an Abolitionist; but a law-abiding man, who still had some lingering regard for the Constitution of his State and country. That personal explanation was made in the pamphlet which was suppressed *by order of General Loan* — then misrepresented and denounced.

But the unkindest cut of all was the statement made by Abolition journals that I had myself admitted the pamphlet to be treasonable, and requested that the entire edition should be destroyed. The statement is a base, miserable falsehood. True, when I heard that the pamphlets were being circulated with the numerous mistakes of the publishers uncorrected, I requested Gen. Loan not to permit them to be circulated in that form, and also requested that they might be destroyed in the event that I could not myself obtain possession of them, correct their mistakes and control their circulation. But, so far from admitting the pamphlet to be treasonable, I shall always indignantly repudiate such aspersions. As a member of this Convention, and in the military, I had been identified with the Union cause from the commencement of our troubles, and it was then too late to abandon it.

Misrepresentation has deceived many good men in regard to the pamphlet; but for the mass of those who denounce me I entertain so profound a contempt that I court their denunciations, and should spurn their friendship. Were they to applaud me, I should despise myself. I should regard it as an evidence that I had stolen some man's negro, burnt his house, or murdered himself and family. I accept their denunciations as the highest compliment they can pay me, and they pass me by lightly as the winds that fan the bosom of the deep. I am neither intimidated by their threats nor wounded by their calumnies. Thrice armed in the consciousness of my own patriotism, my own rectitude of purpose, their venomed darts glance upon my shield and fall broken and harmless at my feet.

Mr. HALL of Randolph. I offer the following resolution:

Resolved, That hereafter all amendments and propositions proposed in this Convention shall be voted for in the order in which they are presented, and no member shall speak more than five minutes on any proposition, nor more than once.

Carried unanimously.

The PRESIDENT. The question now is on the amendment offered by the gentleman from St. Louis.

Mr. DRAKE. I call for the ayes and noes.

Mr. ALLEN (in explanation of his vote). I came here with the idea that the Convention would pass an ordinance of emancipation, but without submitting it to the people; and had the Convention adopted that of the gentleman

from St. Louis (Mr. Drake's), or either of the others similar in principle, I should have been in favor of a non-submission; but seeing the conflicting views of gentlemen here upon this subject, and believing it to be so throughout the country, and knowing that many among my constituents and in my county are clamoring for immediate emancipation, I am now disposed to vote for the proposition to submit this question to the people in November next, believing it will give most satisfaction to the people. I shall therefore vote *aye*.

Mr. HITCHCOCK (in explanation of his vote). I have desired to aid in carrying out some practicable and wise scheme of emancipation; but I fully believe, that, if the ordinance be submitted to the people, the several features of the plan are such as to make it almost certain that by a combination of parties of entirel different views it will be defeated, and I am not willing to take action which will prevent any result from the labors of this body. In order to prevent further trouble, I shall vote *no*.

Mr. SOL. SMITH (in explanation of his vote). Yesterday I voted against the adoption of this amendment. A reconsideration having been carried, I now vote *for* it, and in doing so feel impelled to state the reasons for changing my vote. I have always been willing to trust the people; but when I saw, or thought I saw, a disposition on the part of a portion of our members to defeat emancipation because they could not have exactly their own way in framing the ordinance,—that they seemed determined even to go before the people and urge the rejection of any ordinance not framed by themselves, thus uniting with pro-slavery men to defeat emancipation,—with the lights I then had before me I voted against the amendment authorizing a submission of the ordinance to a vote of the people for approval or rejection, fearing its rejection by the combination alluded to of pro-slavery men—men who are honestly opposed to all emancipation, and those members who profess to be strong emancipationists, while they have steadily voted against all plans but those proposed by themselves.

I have reflected on this matter very seriously since the vote was taken on this amendment yesterday, and have come to the conclusion that our radical friends, after doing all they can to make the ordinance under consideration as nearly perfect as possible, or as nearly in accordance with their views as they can, will vote for it on its passage, and not only that, but will go before the people and advocate its acceptance. I cannot believe, Mr. President, that thoroughgoing emancipationists, as those members profess to be, will stultify themselves by eventually voting against the only measure of emancipation which can be passed by this Convention. I therefore vote for submitting our work to the people, and hope to see the name of my colleague (Mr. Drake) recorded in favor of the ordinance of emancipation, together with the names of the dozen and a half who seem to follow him in his opposition to every measure he does not favor; and I shall expect to see that gentleman, and other gentlemen who profess to be emancipationists of the most radical stripe, doing yeoman service on the stump in defending the action of the Convention.

If I should be mistaken in this; if, instead of voting for this ordinance, these gentlemen join the opponents of all emancipation in voting against the only emancipation measure that can be passed here; if, after doing all they can to defeat emancipation in this Convention, they go before the people and oppose the ordinance which we shall pass, (for it will be passed even if they withhold their sanction,) let me make a prediction—and I make it a set-off to the many predictions made by my colleague during this session: If the radical gentlemen vote against this ordinance—against emancipation in the only form in which it can be had—they may expect to be politically buried

"Certain fathoms in the earth,
And deeper than did ever plummet sound."

There's a line of Shakspear for you, gentlemen, which seems to fit your case. I vote *aye*.

The amendment being put to the vote, the result was—ayes, 37; noes, 41.

Mr. GANTT. I move to reconsider the vote last taken, and lay the motion on the table.

Carried.

Mr. HOUGH. I move to amend by adding to the ordinance an additional section, as follows:

"Section 7. Before any slave shall be manumitted under this ordinance, the owner thereof shall be paid a reasonable compensation for such slave, out of money to be collected for that purpose by taxes to be levied upon *all taxable property except* slaves; and it shall be the duty of the General Assembly to make provision by law for giving effect to this ordinance."

Mr. DRAKE. I call for the ayes and noes.

The amendment was put to the vote, and negatived as follows—ayes, 35; noes, 42.

Mr. COMINGO. I offer the following amendment:

"After the passage of this ordinance, no slave in this State shall be subject to State, county or municipal taxes."

By way of explanation I would say, that, by the terms of the ordinance we have passed, we are depriving a class of men of a certain amount of property in their slaves. It is admitted on all hands, that we cannot make adequate compensation at present; I think, therefore, we ought to go as far as possible in relieving the masters in respect to that kind of property.

Mr. BIRCH. Though I contend, on principle, that all taxation should be equal, yet as the measure passed deprives so many loyal citizens of their most valuable property, I shall vote for this measure of justice.

Mr. DRAKE. I call for the ayes and noes.

The question being put, it was carried as follows—ayes, 51; noes, 27.

Mr. HOUGH. I move to reconsider the vote just taken, and that the motion be laid upon the table.

Carried.

Mr. MOXLEY. I beg to submit the following amendment to the ordinance:

§ 1. All slaves born previous to the first January, eighteen hundred and sixty-five, shall remain slaves during their natural lives, and all slaves born after that time to remain slaves until they arrive at the age of twenty-one years.

§ 2. That it shall be the duty of the Legislature to pass an act so as to authorize the county courts throughout the State to appoint a county commissioner in each county throughout the State, whose duty it shall be to hire out said slaves made free by this act for the term of three years after they shall have arrived at the age of twenty-one, in order to create a sufficient fund for their deportation to some colony, and to give them an outfit after they arrive at their destination.

§ 3. Said commissioner to give bond and good security for all moneys that may come into his hands arising from the hire of said slaves, as well as for the faithful discharge of his duty; said bond to be approved of by the county courts transacting county business; and that said commissioner be required to pay over annually all moneys that may come into his hands into the State Treasury, in order that the said money may be appropriated for the purpose above mentioned.

§ 4. And that the foregoing ordinance be submitted to the voters of this State at the general election to be held in November, eighteen hundred and sixty-four, for their ratification or rejection.

Mr. MEYER. I call for the ayes and noes.

Mr. SAYRE. The plan proposed is in its essential features the same that Mr. Clay recommended to the people of Kentucky in the winter of 1848–9, and it is what I should now be most happy to see carried out in Missouri. Such a measure as this provides for the real needs of the slaves, and, instead of turning them loose upon society, to be a burden to the State, it prepares them for liberty, and they are taken to a place where their comforts and wants will be secured. It is well known that Mr. Clay was what you would now call an emancipationist, or an abolitionist; for in Richmond, Virginia, he proposed anti-slavery resolutions, some of which were stringent enough to suit Worcester in Massachusetts. In 1849 his views remained unchanged, and he recommended to Missouri that we should adopt some such measure as that now proposed. It was his life-long wish to remove the system of slavery, and he labored to the extent of his ability to accomplish this end in the border States. I suppose no person was better able to form a correct opinion and to arrive at just conclusions upon this subject, and certainly no one could have been more sincerely in earnest than Mr. Clay. I hope, therefore, the measure proposed will meet with the approval of this Convention.

The amendment being put to the vote, it was negatived as follows—ayes, 25; noes, 51.

Mr. HOLT. I desire to submit the following—

Amend by striking out section two, and inserting in lieu thereof the following:

"On and after the first day of November, eighteen hundred and sixty-six, slavery and involuntary servitude, except for the punishment of crime, shall not exist in this State, save as herein provided. All persons held as slaves in this State on that

day shall then cease to be slaves for life, and they and their issue thereafter born shall be the servants of their owners thenceforward until the fourth day of July, eighteen hundred and seventy-six, when they shall be free; and between the said named dates, such servants shall not be removed by their owners beyond the limits of the State, but the right to their services during the said period may be transferred to any person living in this State; and the General Assembly shall make such laws as may be necessary and proper touching the relation of master and servant in such cases, so as to secure to such masters the enjoyment of such service, and to such servants humane and proper treatment."

Mr. DRAKE. I call for the ayes and noes.

The amendment having been put, it was negatived as follows—ayes, 27; noes, 48.

Mr. DUVALL. I beg to offer the following amendment:

Amend by striking out all after section one, and insert the following:

Sec. 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri from and after the fourth day of July, eighteen hundred and seventy, according to the provisions hereinafter provided, to wit: All slaves over forty years of age, on the said fourth day of July, eighteen hundred and seventy, shall remain slaves for and during their lives; and all slaves under twelve years of age at said fourth day of July, eighteen hundred and seventy, shall remain slaves until they arrive at the age of twenty-four years, respectively; and those of all other ages shall remain slaves until the fourth day of July, eighteen hundred and seventy-six.

Sec. 3. No law imposing restrictions upon the sale of slaves in this State, or the removal of slaves from this State, shall be passed by the Legislature at any time prior to the fourth day of July, eighteen hundred and seventy-six.

Sec. 4. No future assessments of slave property shall be made in this State, and taxes now assigned against said property shall not be collected.

Sec. 5. The General Assembly shall have no power to pass laws to emancipate slaves without the consent of their owners.

Mr. MEYER. I call for the ayes and noes.

Mr. DUVALL. The relation that the amendment bears to the ordinance before the House will be very clearly seen. The amendment introduced by the gentleman from St. Louis, (Mr. Broadhead,) fixed the year 1870 as the period at which slavery should cease; and fixes a period thereafter for servitude—those over forty to be servants for life; those under twelve to be servants till they are twenty-three; and those over twelve to be servants till 1876. Now there is an essential difference between that proposition and the one now before the House; for to say that the slave shall be free at forty, but shall remain under the control of the master, is doing some injustice to the slave. I think it is better to make the owner keep him as a slave while he lives, and this course is more likely to avoid all difficulty and vexation. This proposition says slavery and involuntary servitude shall cease on the fourth July, 1870, in the manner set forth, to wit: those over forty shall remain slaves for life; those under twelve on fourth July, 1870, till they are twenty-four years of age; and those of other ages till fourth July, 1876. The other provisions declare that the Legislature shall have no power to pass laws restricting the sale of slaves or their descendants out of the State at any time prior to 1876; because in this provision it gives the master control over all till 1876. I need to say nothing with respect to section four, save that if you are going to take the slave property away from the owners, it is but right that that property should be free from taxation.

On being put to the vote, this motion was negatived, as follows: Ayes, 25; noes, 49.

Mr. HITCHCOCK. I offer the following amendment: Strike out from section two "provided, however," and all the words thereafter following to the end of the section.

It is well known that I have supported and advocated early emancipation with apprenticeship, but I think 1870 too late a period to add a system of apprenticeship to it.

Mr. MEYER. I call for the ayes and noes.

Mr. BIRCH. I voted the other day against the apprenticeship system, and against the amendment which cut down 1876 to 1868 with apprenticeship, giving my reasons for having them slaves for life as long as they remain

among us. I voted for the proposition of the gentleman from Lincoln, which provided for their deportation, and I now vote against this because it proposes to free them in 1870 and leave them amongst us.

Mr. BUSH. I shall vote for this amendment. True it strikes out a system of servitude which I favored, but I favored it only in connection with immediate emancipation, and I proposed it in my own ordinance no further than up to the year 1870. I am glad to have an opportunity of voting for this amendment, which ends slavery in 1870, a proposition for which we were never before allowed to vote without a system of servitude up to 1874 or 1876 being attached thereto. This seemed to be at first the favorite plan with many members; I hope they will not vote against it now.

Mr. FOSTER. You will remember, sir, that when I voted for the amendment of the gentleman from St. Louis, I did so under protest against the system of apprenticeship that was attached to the date 1870. I desire to have 1870; but whatever date this body may fix upon, if it be as late as 1875 or 1876, whenever emancipation takes place, I want slavery and involuntary servitude to cease. I do not wish to pretend to do a thing and yet not do it. I do not regard this amendment as amounting to anything in point of fact.

Mr. HALL of Randolph. When the committee was acting on the subject of emancipation, I concurred with the majority of that committee in their report for 1876. I was opposed to that period; I was in favor of a longer one, but I was induced to concur in that because they in return made concessions to me. It was a compromise, and I labored earnestly to induce gentlemen to vote for the ordinance as reported, and thus obtain that union of action necessary to carry the measure. Although I was opposed to it, I yielded, hoping and expecting that other gentlemen who were not in favor of some of its features would make like concessions. I vote *no*.

Mr. HITCHCOCK. I wish to ask the gentleman from Randolph if he has understood from me that I was directly or indirectly bound to support the proposition of the committee?

Mr. HALL. I know of nothing to implicate the gentleman from St. Louis.

Mr. HOWELL. After it was ascertained that probably the ordinance as reported by the committee would not be passed, and to prevent its entirely failing, and for this Convention to dissolve without doing anything, and believing there might be some measure that this Convention might harmonize upon, I yesterday evening offered a modification of the committee's report, and a vote was about to be taken, when I was earnestly desired by the gentleman from St. Louis (Mr. Broadhead) to withdraw it and permit his to be offered as a compromise, on which the Convention might agree.

Mr. BROADHEAD. I am in favor of 1870, but I wish the Convention to accomplish something, and I am opposed to throwing this whole thing into confusion. I shall vote *no*.

Mr. HOWELL. I hope other gentlemen will act in the same spirit of concession and compromise; if gentlemen do, we shall accomplish something; if they do not, it is probable we shall fail to accomplish anything. I warn gentlemen not to strike this proviso out—not in the spirit of menace at all; and I say "warn," only because I believe if they vote this proposition down, it will be the means of defeating any measure that may hereafter be proposed.

The question being put to the vote, it was negatived, as follows: Ayes, 23; noes, 50.

Mr. WELCH. I move the previous question.

The question being "shall the main question be now put?" it was decided in the negative.

Mr. BROADHEAD. If it be in order, I now move that the ordinance, as amended, be printed, and made the special order for to-morrow morning at 8 o'clock.

Carried.

Mr. BIRCH. I beg to present a substitute, to be made the special order for to-morrow.

On motion of Mr. BRECKINRIDGE, the Convention adjourned to meet on Wednesday, at 8 o'clock.

FIFTEENTH DAY.

JEFFERSON CITY,

Wednesday, July 1st, 1863.

Convention met at 8 o'clock.

President in the chair.

Prayer by the Chaplain.

The reading of the journal was dispensed with.

Mr. LONG asked and obtained leave to record his vote in the negative on the proposition of Mr. Drake, on the subject of referring the ordinance of emancipation to the people.

Mr. HOUGH. I move to reconsider the vote providing compensation for the slaves freed by the emancipation ordinance.

Mr. GANTT. I rise to a point of order.

The PRESIDENT. The question is on reconsidering the vote providing for compensation.

Mr. DRAKE. I ask for the reading of the amendment.

Mr. Hough's amendment was read by the Clerk.

Mr. GANTT. I move to lay the motion to reconsider on the table.

Motion adopted.

Mr. BRECKINRIDGE. I beg to state that I have prepared, and have in my pocket, some resolutions, which, if the ordinance now under consideration be adopted, I shall offer, praying Congress to make suitable compensation to loyal slave owners who, under its provisions, shall lose their slaves.

On Mr. Hough's amendment being put to the vote, the result was—ayes, 46; noes, 31.

Mr. BIRCH. I ask the Clerk to read the substitute for the ordinance of emancipation I presented yesterday.

SUBSTITUTE FOR THE ORDINANCE NOW PENDING.

In order to ascertain the sense of the people in respect to the institution of domestic slavery,

It is ordained by the Convention of the State of Missouri, as follows:

Section 1. It shall be the duty of the clerks of the several county courts in this State, to insert in the poll books for the first election which shall be held after the restoration of peace, a column headed "emancipation," and an adjoining column headed "anti-emancipation;" and to make returns to the Secretary of State of the number of votes given for each proposition.

Sec. 2. If a majority of the votes thus given shall be in favor of emancipation, it shall be the duty of the Governor to appoint, by proper public proclamation, that on a day to be therein designated, (and not to exceed one hundred days from the date of said proclamation,) an election will be holden in each Senatorial District for the purpose of electing delegates therefrom to a State Convention.

Sec. 3. Each Senatorial District shall be entitled to elect a number of delegates to the said Convention equal to the number of Senators to which it may be entitled in the General Assembly, and the said elections shall be held, conducted, and decided in the same manner as in the election of Senators.

Sec. 4. The Convention thus elected shall have authority to propose amendments to the Constitution of this State in respect to the institution of domestic slavery, and to submit the same for the ratification or rejection of a majority of the qualified voters of the State. If a majority of the votes given at an election to be thus provided for, shall be in favor of ratifying such amendments as may be proposed by the said Convention, they shall become part and parcel of the Constitution; but if otherwise, they shall be null and void.

Sec. 5. The voters in the elections aforesaid, and ever afterwards, shall be thus entitled to vote under the tenth section of the Constitution of this State. The delegates to said Convention shall possess the qualification of Senators; and until there can be a submission to, and a decision by, the people of the State, as provided for in this ordinance, no other action shall be taken by any of the authorities thereof.

Mr. BARTLETT. I call for the ayes and noes.

The substitute of Mr. Birch having been put to the vote, the result was—ayes, 11; noes, 62.

Mr. CALHOUN (in explanation of his vote). If I could see anything arising from that substitute likely to bring peace to our distracted country, I would vote for it; but I confess I do not. We have been here two weeks, and we have not as yet clinched a single nail towards securing peace; and it appears from what we see at present, that by the time peace is restored to the State there may not be a negro left in the country. I therefore vote *no*.

Mr. ORR (in explanation of his vote). Inasmuch as this substitute calls for another Convention, and gives it a power I deny to this, I shall vote *no*.

Mr. DRAKE. I desire to offer the following substitute for the entire ordinance. It is one which relieves this body of any action at all upon the subject of emancipation, and refers it to the people to take action upon the subject.

Strike out all after the ordaining clause, and insert the following:

Section 1. An election for delegates to a Convention of the people of the State of Missouri shall be held at the several places of voting in this State on the Tuesday next after the first Monday of November, eighteen hundred and sixty-three, which election shall be managed and conducted by the sheriffs or other proper officers of the counties respectively, in the same manner and according to the same rules and regulations as are now prescribed by law for the election of members of the General Assembly. The Governor shall issue his proclamation to the several sheriffs of the State immediately after the passage of this ordinance, requiring them to hold and conduct said election according to law.

Sec. 2. Each Senatorial district, as now constituted by law, shall be entitled to elect twice as many delegates to said Convention as said district is now entitled to members in the Senate of this State.

Sec. 3. No person shall be a member of said Convention who is not qualified to hold a seat in the House of Representatives of this State, and who has not taken the oath required by the second section of the ordinance adopted by this Convention on the tenth day of June, eighteen hundred and sixty-two, entitled "An ordinance defining the qualifications of voters and civil officers in this State."

Sec. 4. The qualifications of voters at said election shall be such as are now prescribed by the Constitution of this State and the ordinance referred to in the next preceding section.

Sec. 5. The delegates elected under the provisions of this ordinance shall assemble at Jefferson City on the last Tuesday of December next, and may proceed to amend and change the Constitution of this State.

Sec. 6. In cases of contested elections to said Convention, the contending candidates shall pursue the same course and be governed by the same rules as are now prescribed by law in relation to contested elections for members of the General Assembly, and the Convention shall be the judge of all such contested elections.

Sec. 7. In case of vacancies occurring in said Convention, by death, resignation, removal from the State, or otherwise, the same shall be filled in the same manner as now prescribed by law for filling vacancies in the General Assembly.

Sec. 8. At the time and places of holding said election of delegates to said Convention, the qualified voters shall vote by ballot on the subject of emancipation of slaves in this State. The ballots shall have written or printed on them the words, "for emancipation," or, "against emancipation;" and the judges and clerks of the election shall make return of the votes so given, along with those for delegates; and the number of votes so given for and against emancipation shall be certified by the clerks of the county courts of the several counties to the office of the Secretary of State, along with the votes given for delegates. On the first day of December next, the Secretary of State shall, in the presence of the Governor, proceed to cast up the votes returned for and against emancipation; and the Governor shall, by proclamation, announce the result. If a majority of all the votes given in relation to emancipation be against emancipation, the Convention authorized by this ordinance to be elected shall not be

held at any time; but if a majority of all of said votes shall be for emancipation, then the said Convention shall convene at the time and place designated in the fifth section of this ordinance, and proceed to amend the Constitution of this State.

Sec. 9. The said Convention shall have no power to pass any ordinance or do any act touching the relations of this State with the United States, or any of them, or to legislate on any subject upon which the General Assembly now has power to legislate.

Sec. 10. The General Assembly shall appropriate money to defray the expenses of said Convention, if it should be held; and in default thereof, the said Convention may, by ordinance, appropriate the same.

Sec. 11. The delegates to said Convention shall receive the same compensation as that now allowed by law to members of the General Assembly.

Mr. DRAKE. I have simply to say, sir, that, in my opinion, it is vastly better, more consistent with the peace of the State, and more likely to get a fair expression of the will of the people in regard to the subject of emancipation, for this Convention to refer the whole matter back to the people; and when the people pass upon the question of emancipation or no emancipation, and at the same time elect delegates who will reflect their wishes directly upon this subject, then let those delegates come together, as agents of the people, and do what the people call upon them and appoint them to do. This body, as I have frequently remarked, was not, with the exception of eleven members, elected with reference to this question. The gentlemen who were elected two years and four months ago, with special reference to another question, are now taking upon themselves the responsibility of acting upon this subject. If the ordinance passes that is now before the Convention, much will be accomplished towards putting the State in a condition of quietude and peace, by referring the question back to the people, to let them decide, fairly and openly, upon the question of emancipation or no emancipation. I have from the first to the last insisted upon the people being heard in this great transaction, and from the first to the last my efforts have been futile. I make one more effort to refer this question to the people, that they, through their chosen agents here, may decide this momentous question.

Mr. MEYER. I call for the ayes and noes.

The question being put to the vote, it was negatived as follows: Ayes, 19; noes, 61.

Mr. BIRCH (*in explanation of his vote*). More than two months ago, when the Governor first issued a call to this Convention, the idea now expressed by my colleague was advocated by myself in public print, and mentioned to several members of this Convention. I could not harmonize in my mind the former action of this Convention and the former expressions of our worthy Governor with any other action of *this* Convention, and concluded that the only wise course would be to call a new Convention. I came here with these views, and so expressed them to various friends here, to try to bring the subject before this Convention; I feel, therefore, compelled to vote for this proposition, which will refer this question to the direct action of the people.

Mr. SOL. SMITH (in explanation of his vote). I believe it to be the sentiments of my constituents, that we shall pass an ordinance that shall be a finality on this question. We have such an ordinance before us, which I intend to vote for. If that fails, I shall with pleasure vote for the ordinance of my colleague. I vote *no*.

Mr. STEWART (in explanation of his vote). I shall vote *aye*. I believe now as I have always believed, that this Convention is not a proper exponent of the public sentiment of the people, and shall therefore vote to refer the matter to them.

Mr. BROADHEAD. I offer the following: After the word "men," in the tenth line, insert, "for the purpose of securing the possession and services of the same"; also strike out the words "or her," in the twelfth line.

Carried.

Mr. HALL of Randolph. I wish to ask if sections 3, 4 and 5 have been passed upon?

The PRESIDENT. The ordinance is to be considered and voted upon as an entirety, subject to such amendments as may be adopted.

Mr. HOWELL. I move to insert, in the 2d section, the word "late" before the word "owners"; after "owners," I suggest to insert "their representatives or assigns."

Carried.

The PRESIDENT. The question is now on the final passage of the ordinance. No further amendments are in order.

Mr. Sol. Smith. As the vote about to be taken is to decide the destinies of Missouri, so far as the institution of slavery is concerned; and as the date fixed upon in the ordinance is the one proposed by me, as a compromise, more than a week ago, and this morning adopted on my motion, I venture to detain the Convention, at this solemn moment, for a portion of the five minutes allowed to each member, to make an appeal to those members who have considered it their duty heretofore to vote against all measures except their own, and to take a stand on certain dates, and there remain immovable.

It has been said, Mr. President, by one of my colleagues, who may be considered the leader of the "Immediates," (Mr. Drake,) that *slavery is dead already, and we have come here to bury it!* If so, I now most cordially invite my friends of the Radical faith to attend the funeral, for it is about to take place. I want them, as they claim to be the best, if not the exclusive, friends of emancipation, to act as pall-bearers, and carry the corpse to its grave. But if they now vote against this ordinance of emancipation—the only one that can pass this body—they will occupy the position of chief mourners!

Leaving these gentlemen to choose their position at the funeral, I ask every member to consider the important act we are about to perform. The great State of Missouri, without assistance from Congress, or from any other quarter, decrees emancipation of her slaves. At great sacrifice of feeling and interest, those representing the slaveholders seem willing to give up all prejudices in favor of the "peculiar institution," and join in this great work. I vote for this ordinance as a finality; as settling forever the question of emancipation in the State. We ask the "Immediates" to join in the good work, and thus end this pestilent agitation, and permit the promised prosperity to begin. I claim that those who vote against this ordinance are not sincere emancipationists; they do not desire emancipation, but are determined to keep up the agitation of the question for purposes of their own, and which are detrimental to the true interests of the State. I except from this condemnation those pro-slavery members who honestly take part against *any* system of emancipation. We know where to find *them*. But I say that this vote will determine who are *for* and who *against* emancipation. Those who vote "no" must hereafter be considered anti-emancipationists. The car of emancipation is about to start. All emancipationists will come on board *now*, or they will inevitably be left behind.

Mr. Drake. We are going over broken bridges, and the passengers that do not get on are better left behind.

EXPLANATION OF VOTES.

Mr. Baker. Although I have been voting, and voting in good faith, with those who were in favor of more immediate emancipation, it is clearly seen that we could not succeed. I am now willing and can conscientiously vote for the present ordinance. The most radical of men ought to be satisfied that slavery is doomed to speedy extinction in this State. I feel assured that this measure will be satisfactory to those of our friends of the free States who are contemplating settling here, and I am convinced that this ordinance will be favorably regarded by the majority of the people of this State. I am therefore constrained to vote *aye*.

Mr. Bast. I am entirely opposed to interference with slavery at the present time; it has resulted in agitation and disturbance unnecessarily. I cannot look upon this ordinance as a peace measure under any circumstances, nor do I believe that this Convention has the right or the power to pass it; consequently I am constrained to vote *no*.

Mr. Bonnifield. I came here for the purpose of doing what I could to allay the excitement and agitation in this State on the subject of slavery, and to endeavor, if possible, to aid in passing an emancipation ordinance that would be satisfactory to the majority of the loyal citizens of Missouri. I came here, Mr. President, with a determination not to vote for any emancipation measure which was not to be submitted to the people for their ratification or rejection, and I have been surprised to hear remarks of gentlemen upon this floor upon this subject. While they tell us, as the Governor has told us in his message, that peace and quiet reign in the State of Missouri, or so much so that the people could vote upon any question in which they felt interested without hindrance and without creating difficulty and trouble; when it comes to a vote on the question of emancipation, they tell us it cannot be done, except at the point of the bayonet, and that the polls must be guarded by the bayonet. I hope that—while this rebellion lasts, and rebels are in the country, whose hands are red with the blood of their fellow-men—the polls may

be guarded by the bayonet, if necessary, to prevent these men from voting upon any question whatever. They have no right to vote upon any question that may be brought before the people; both justice and policy dictate such a course. I tell gentlemen of the Convention, that, if they do not submit this question of emancipation to the people, their voice will be heard in tones that will not admit of denial. I tell gentlemen that they will be heard, and you have no right to deprive them of the privilege; and I say, further, that this ordinance is not such a one as the loyal people want, and they will not cease to agitate till they get such a one as they *do* want.

Mr. Bush. While I oppose the ordinance which we are now voting upon, I nevertheless voted for the amendments which were in favor of a more speedy emancipation; but it is against my own conviction to vote for the bill in its final passage, more especially as it is not to go to the people to receive the expression of their will. I would have been willing to be the pall-bearer at the burial of the corpse of slavery, but I am not willing to be the guard, to stand watch over the gibbet in which the corpse hangs suspended for twenty more years. Nineteen votes, given in favor of the ordinance introduced this morning (Mr. Drake's), told you that you should have consented to submit this matter to the people. I pray gentlemen to remember the votes of the nineteen; for my prediction is that they declared the voice of the people—a voice that will yet startle gentlemen by the loud thunder of its tone, as it proclaims the inalienable right of a free people. I vote *no*.

Mr. Duvall. Knowing, as I do, the will of my constituents upon this question, I am bound to vote *no*.

Mr. Foster. I have been opposed, as this Convention will bear me witness, to the passage of any measure of emancipation that was not to be submitted to the people, and I have labored to the extent of my ability to accomplish that desirable end, but in vain. I do not like the features of the measure now before the House in many respects. But I came here, determined, if possible, to pass some scheme of emancipation, believing, as I do, that it is not only desirable, but necessary, that *some* scheme of emancipation should be consummated; and believing that the only scheme possible was one that would have to be agreed to in the spirit of compromise and concession, and believing that this scheme is the best that can possibly be obtained under existing circumstances, I cheerfully give my vote, in hope of securing to Missouri the peace and prosperity which it is the object of this ordinance to give. I therefore vote *aye*.

Mr. Howell. I am impelled, from a deep-seated conviction of my duty under existing circumstances, to make a sacrifice I never desired or expected to be called upon to make. I am induced to vote for the ordinance now under consideration, hoping that if slavery itself is lost, property and society will, to some extent, be saved. I therefore vote *aye*.

Mr. Jackson. I came to this Convention to do all I could for emancipation at the earliest possible period; such were the instructions of my constituents, and I have acted in accordance with them. In the full conviction that the ordinance proposed is the best that can be obtained under present circumstances, and feeling I have no right to dictate to loyal Union men here, I shall vote *aye*.

Mr. Kidd. I came here determined to do whatever I thought was for the best interest of the people of the State, and to be governed by the best lights before me. Satisfied, however, that this subject of emancipation was one of profound interest, not only to the people of this State, but to the United States,—so profound in all its bearings, that I must confess my diffidence and inability to lay hold of it,—and notwithstanding the great difficulties the subject presents, I had made up my mind to vote for three distinct propositions upon the subject of emancipation: First, to vote for an ordinance of a gradual character; secondly, for compensation to the loyal owners of slaves; and, thirdly, for submitting whatever action we might take to a vote of the people of the State.

The ordinance now under consideration, and upon its final ratification or rejection, does not meet my views fully; but, believing it is the best we can do, I shall concur. A majority has seen proper to refuse submitting it to a vote of the people, as well as compensation to loyal owners. I wanted the ordinance submitted to the people, because of the law under which this Convention was called, as well as on account of the importance of submitting it to the people for their sanction or rejection. Compensation to loyal owners was sustained in my own mind upon the grounds that private property should not be surrendered for the public good without a reasonable compensation; and, in this instance especially, under view of all the

circumstances surrounding the loyal slave owners of Missouri, I am well satisfied they should have been allowed by the State a reasonable remuneration.

Upon the subject of submitting to the people whatever we might do, I thought it nothing but justice to the people, as well as justice to the subject, that it be left with them for final action. I felt that great responsibility rested on this body, and especially upon one so humble as myself. And, permit me to say in conclusion, that whatever errors I may have committed in this, as in all other action of mine in this body, I hope it will be attributed to the head and not the heart. Sincerely hoping that, should this ordinance pass, it will be concurred in by all for the peace, prosperity and harmony of the people of the State, I vote *aye*.

Mr. LEEPER. I do not wish it understood that my vote on this question is influenced by opposition to slavery in the abstract; but my wish is to act upon this question in such a manner as to bring peace and quietude to our State as speedily as possible. There can be no question that this rebellion is destroying the value of slave property, and the best thing we can do is to put an end to it as soon as possible. I do not wish to rob any man, or do any man an injury; but I wish to do the State a good. I wish to act in such a way as will benefit the largest number, and in that view of the case I cannot consent to the withholding of this ordinance from the people. I believe that, in refusing to submit this ordinance, we are not acting in a way to restore peace and harmony to the State, and which an ordinance passed by us should do. I am bound to use my own judgment in this matter, and though, in opposing this ordinance, I am voting against some who are my most respected friends, still, believing that it is my duty, I vote *no*.

Mr. LONG. I had fully hoped that some ordinance would, ere this, have been accepted that would come nearer to my convictions of what was best and most desirable under existing circumstances; but as this appears to be the best that we can obtain, I shall vote *aye*.

Mr. MEYER. I regret exceedingly that I cannot, on this occasion, vote with the majority of the Union men in this Convention, with whom I have heretofore acted on most of the ordinances that have been introduced. At our session in June last, I voted to return our authority to the people. I voted against the continuing in power of our present Provisional Government. I desired, sir, to return the trust that the people had imposed on us. I have felt, sir, that this Convention does not at present reflect the views of the emancipation party in Missouri. I expressed myself to that effect previous to the calling of this Convention, and I have seen nothing since that has led me to change my mind. I have done everything in my power, and voted upon every proposition that has come before this body at the present session, to refer this subject to the people. The majority here have seen proper not to concur in that view. For that reason, I must vote *no*. I think, sir, the time has arrived when we should surrender our power to the people.

Mr. POMEROY. I desire to say, sir, that I vote for this ordinance with feelings of the deepest satisfaction, and regard this as one of the noblest acts of my life. I vote *aye*.

Mr. PREWITT. I am not an emancipationist; but I shall vote in favor of this ordinance because I believe such a course will, under existing circumstances, be approved by the majority of the constituents whom I have the honor to represent. I vote *aye*.

Mr. RITCHEY. Ever since this war was inaugurated, I have been of opinion that slavery could not long exist in the State of Missouri. I believe, sir, that the firing of the first gun at Sumter was the death-knell of slavery, and I have ever since believed that it would be to the advantage of Missouri to adopt some system of emancipation; I therefore labored last winter, whilst in the Legislature, to get amendments to the Constitution, by which slavery would terminate in 1890. Such a measure would have put this question where I think it should go, namely, before the people; and it would have rested with them to have accepted or rejected the measure; but it was not thus to be accomplished. We have been called together for the purpose of disposing of this question of so much importance to our State, but I feel it is a stretch of power; I felt so when this Convention was called together; I felt a delicacy in acting upon this question, considering we were elected over two years ago, when this was not the question at issue; still these are extraordinary times, and admit possibly of this exercise of power on our part. I am therefore willing to shoulder the responsibility, believing that the adoption of this ordinance will tend to the peace and prosperity of our State. I therefore vote *aye*.

Mr. Ross. I regret, sir, that on the present occasion I shall have to differ with many conservative gentlemen on this floor. I am bound, sir, to vote against this proposition, but not because I am opposed to emancipation. I am *for* emancipation, sir, when it can be effected upon principles of justice and humanity, but in the present ordinance I have not been able to discover these features. I regard it as an act of injustice to the slave owner, because it deprives him of his property without compensation, and without any necessity, and in violation of the law. It is an injustice to the slave, because it deprives him of protection and of a home, and affords him no means of securing support for himself. For these reasons I vote *no*.

Mr. Sayre. For the satisfaction of those to whom I may not have a fitter opportunity, I will here explain, Mr. President, that I am opposed to this ordinance of emancipation. I believe that the step is not such a one as will secure peace to this country. I cannot regard it in any sense as a peace measure; on the contrary, I think it will tend to strengthen our foes. I would like to be in a position to say to the Southern States, that, if they returned to the Union, the property of their citizens would be restored and preserved. I believe it is injurious to the State to turn 100,000 negroes loose amongst us, to remain here perpetually, and to invite those who are sent South to come here to make this their home. I feel assured, sir, that immigration will not, under these circumstances, flow into Missouri, as some gentlemen seem to anticipate; we shall be disappointed in this respect. If, then, I have these reasons against the proposed ordinance of emancipation, why do I mean to vote for it? I intend to vote for it, and on my return home I shall sustain it to the best of my ability. I submit to this, sir, to avoid a far greater evil. The history of France during the existence of its National Assembly is not, I trust, to be repeated here, with its new tribunals, its new rules of evidence, new tests of loyalty and disloyalty, and new measures of punishment employed by those in power. I wish to avoid all this. We must have law and order: if it be necessary to make sacrifices to obtain them. let us show ourselves equal to the occasion, I therefore vote *aye*.

Mr. Schofield. I am instructed not to vote for any ordinance that does not terminate slavery within five years; and not to vote for any ordinance that does not provide for its submis- to the people. I therefore vote *no*.

Mr. Sheeley. While I have been opposed to emancipation, and a few years ago had no idea but that I should oppose it to-day, but feeling that something must be done, and believing this to be the best that can be done for the State of Missouri, I shall vote *aye*.

Mr. Welch. I came here, Mr. President, like some others who have undertaken to explain their votes, expecting and intending to oppose all schemes of emancipation. Not believing in the wisdom of the call of the Convention at this time, it was my purpose, ever since the call issued, to remain absent from its session, and the dictates of duty alone and a desire to do my whole duty prompted me to take any part in its deliberations and actions. As already remarked, I am opposed on principle to all schemes of emancipation; neither could I see the necessity nor the propriety of agitating or acting upon the question. I can perceive no good likely to result from an ordinance of emancipation. The institution of slavery is fast disappearing from our State through military power. Slaves are being stolen and harbored by military men, and no security for that species of property anywhere remains. What good, then, can I hope to accomplish by aiding in the passage of this ordinance? My own convictions of duty and justice strongly demand that I shall oppose it, and yet opposition to it will not save the institution itself.

There are certain conditions, Mr. President, which I had accepted in my own mind as necessary to justify me under any circumstances to vote for any proposition of emancipation. I voted against a much more favorable proposition than this at a former session of this body, in obedience to my own convictions of duty as well as to what I believed to be the sense of an overwhelming majority of my constituents. That vote I do not now regret but approve.

One condition upon which I shall consent to vote for this ordinance, and without which I would not and could not vote for it, is, that as this proposition is in accordance with the recommendation of the President, that he will require all Federal officers in this State, both civil and military, to protect the people of Missouri, owning that species of property, in all of their rights in relation thereto, during the brief period of time designated in this ordinance. This I regard as vitally essential. If the President shall fail, after the enactment of this ordinance, to extend the protection indi-

cated, this ordinance will be a fraud and a cheat, and I shall then always regret that I had a hand in its adoption, and, in my opinion, the President will have acted in very bad faith to the people of Missouri if he does not extend that protection. This ordinance will prove a farce in the absence of that protection. I now say here, that it is in the hope and in the belief that the Federal Government will, through its military authorities, extend the necessary protection, that I yield my convictions of duty to convictions of necessity, and consent to support the measure as it now stands. It is not an ordinance that my conscience approves. The assurance of those distinguished gentlemen, high in the confidence of the Administration, the gentleman from St. Louis (Mr. Broadhead), and the gentleman from Pike (Mr. Henderson), that the President would, on the passage of this ordinance, see that the institution of slavery was protected during the brief time named, that I have reluctantly consented to waive this necessary condition.

Another condition, by which I had in my own mind determined to abide, was, that any ordinance of emancipation should be submitted to the people of the State for their ratification or rejection. I accordingly voted for the amendment proposed by the gentleman from Livingston (Mr. Woolfolk). Since that vote was cast, the period at which emancipation is to commence has been extended to 1870. This extension of time practically removes this objection, since it is within the power of the people at the general election in 1864, 1866, and 1868, to elect members to the General Assembly, who can, either through the instrumentality of a new Convention, or in the manner designated by the Constitution, repeal this ordinance, which, on its passage, will become a part of the fundamental law of the State. This extension of time to 1870, it is to be sincerely hoped, will carry us beyond the turmoils of civil strife, when reason, not passion, will be the guide of our destiny, and when our citizens can, without fear of military dictation or power, cast an intelligent vote.

Another condition, which pressed itself upon my mind as necessary to a favorable vote on this proposition, was that of compensation, and I regret exceedingly that this Convention saw fit to vote down an amendment having that purpose in view. Compensation is clearly required by every dictate of justice and right. It is said that slavery stands in the way of the suppression of the rebellion, and that slaves must be taken for the public good. While I do not accord to this proposition, for one moment, the merit of truth, yet, if it were true, it would not militate against the proposition I assert; for, if it be necessary to take slaves for the public use and for the public good, then, like any other species of property taken for these purposes, just compensation should be awarded. So correct is this principle, that it is made a part of every organic law of this land. But, Mr. President, though *we* have failed in our duty in this regard, yet *the people* still may, and, as I think, still ought to, through its General Assembly, make the necessary provision for this purpose; and, in the hope that a sense of duty may yet provide this compensation, I have, though very reluctantly, waived this objection. The voice of the people of Missouri must be heard yet three times before the tenure of slavery is destroyed by this ordinance, and I can but express the hope, nay, the conviction, that they will yet do justice and right.

I have therefore, Mr. President, in view of what seems to be the great necessities of the times, and for the purpose of preserving the institution of slavery in Missouri as long as the ordinance will permit it, brought myself, very reluctantly and against strong personal convictions, and with many misgivings and doubts, to vote for this proposition, and let the whole question go before the people of the State in the manner I have indicated.

Sir, when I was elected to this body, in 1861, no man who would have gone before the people of my district, advocating measures like this, could have received two hundred votes. There was an almost unanimous opposition to any scheme of emancipation; and, sir, up to the present hour, I have not been instructed to act in furtherance of such a scheme as this. It is true that four members of the Legislature have been elected from the four counties of my district, all of whom are emancipationists, but I do not regard this as any fair expression of any change in the public mind. When I was elected to this body, in 1861, it was by a vote of over six thousand, while all four of the members of the Legislature from that district received altogether, in all four of the counties, but one thousand two hundred and seventy-six votes, or only about one of every five of the votes, and that too was not the freest election in the world. I cannot, therefore, regard their

election as instructions to me in my present action.

For the reasons given and for the purpose of quieting this intolerable agitation, I have concluded to vote for this ordinance, which I now do, and therefore record my vote in the affirmative.

Mr. WOOLFOLK. The Convention will bear me witness that I have done all in my power to obtain the submission of this ordinance to the people at a time when I hoped they could have had a fair, full vote upon this question. I cannot recognize the right of this Convention to pass this ordinance without submitting it to the people, and I cannot believe that such a policy will have the desired effect in giving quiet to the State and suppressing slavery agitation. The people have the right to abolish slavery if they desire it; they have the right also to retain it. It is for them to dispose of this question of slavery as they please, and I think it useless to endeavor to stifle their voice by refusing to submit our ordinance. I shall therefore vote *no;* but, while doing so, I shall not cease to hope that your ordinance will have the desired effect in restoring peace to our distracted people. So far as my feeble influence can aid in effecting that object, it shall be cheerfully rendered.

The completed ordinance on which the vote was taken was as follows:

AN ORDINANCE TO PROVIDE FOR CERTAIN AMENDMENTS TO THE CONSTITUTION AND FOR EMANCIPATION OF SLAVES.

Be it ordained by the People of the State of Missouri in Convention assembled:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

Sec. 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth day of July, eighteen hundred and seventy; and all slaves within the State at that day are hereby declared to be free: *Provided, however,* that all persons emancipated by this ordinance shall remain under the control, and be subject to the authority of their late owners, representatives and assigns, as servants, during the following periods, to-wit: those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, eighteen hundred and seventy-six. The persons, or their legal representatives, who, up to the moment of emancipation, were the owners of the slaves thereby freed, shall, during the period for which the services of such freed men are reserved to them, have the same authority and control over the said freed men, for the purpose of securing the possession and services of the same, that are now held absolutely by the master in respect of his slave: *Provided, however,* that after the said fourth day of July, eighteen hundred and seventy, no person so held to service shall be sold to a non-resident of, or removed from, the State of Missouri by the authority of his late owner, or his legal representative.

Sec. 3. That all slaves hereafter brought into this State, and not now belonging to citizens of this State, shall thereupon be free.

Sec. 4. All slaves removed by consent of their owners to any seceded State after the passage by such State of an act or ordinance of secession, and hereafter brought into this State by their owners, shall thereupon be free.

Sec. 5. The General Assembly shall have no power to pass laws to emancipate slaves without the consent of their owners.

Sec. 6. After the passage of this ordinance, no slaves in this State shall be subject to State, county or municipal taxes.

The ordinance was passed by the following vote:

AYES—Messrs. Allen, Bass, Bogy, Breckinridge, Bridge, Broadhead, Calhoun, Cayce, Comingo, Doniphan, Douglass, Frayser, Flood, Foster, Gamble, Gantt, Gorin, Hall of R., Henderson, Hitchcock, Holmes, Holt, How, Howell, Irwin, Jackson, Johnson, Kidd, Long, Marvin, McCormack, McDowell, McFerran, McLean, Moxley, Noell, Pomeroy, Prewitt, Rankin, Ritchey, Sayre, Scott, Shackelford of H., Shackelford of St. L., Shanklin, Sheeley, Smith of L., Smith of St. L., Vanbuskirk, Welch, and Woodson—51.

NOES—Messrs. Baker, Bartlett, Bast, Birch, Bonnifield, Bush, Deal, Drake of M., Drake of St. Louis, Dunn, Duvall, Eitzen, Hough, Isbell, Jamison, Leeper, Linden-

bower, Matson, McClurg, Meyer, Morrow, Orr, Ray, Ross, Schofield, Stewart, Walker, Waller, Woolfolk, and Mr. President—30.

Absent on leave—Messrs. Hall of B., Phillips, and Pipkin.

Paired off—Messrs. Gravelly, Linton, Moss, and Norton.

Mr. RITCHEY. I move to reconsider the vote just taken and to lay the ordinance upon the table.

On being submitted to the vote it was negatived.

Mr. HALL of Randolph presented a message from the Governor, which was received with cheers.

MESSAGE FROM GOVERNOR GAMBLE TO THE STATE CONVENTION.

EXECUTIVE MANSION,
JEFFERSON CITY, July 1, 1863.

Gentlemen of the Convention: Your Committee presented me, on the evening of the 27th ult., your resolution in which you request me to withdraw my resignation of the office of Governor which I communicated to you on the first day of your present session.

This manifestation of continued public confidence, after two years of a stormy and difficult administration, cannot be otherwise than exceedingly grateful to me.

The reason which I assigned for tendering my resignation was, that I had been chosen by you to the position of Governor at the time when the only danger we apprehended was that of being overrun and subdued by the soldiery and supporters of the rebel Confederacy; that such danger was now over, and the condition of Missouri was fixed as a loyal State in the Union. In other words, all that you had asked me to do had been performed, and therefore I was at liberty to consult my own feelings and retire from office.

The request contained in your resolution involves the idea that I am to undertake a new labor—that labor can be nothing less than that I shall endeavor to restore order and the supremacy of civil government over the discordant elements at work within the State. It may be difficult to accomplish the task. It can be accomplished only by the earnest, hearty cooperation of all who are interested in the real welfare of the State. In this work there is no room for the influence of party spirit. The discord of a family must cease when their dwelling is on fire, until they have extinguished the fire. When the State is restored to internal quiet, we may resume our party disputes about men and measures. In times of peace, such disputes are not dangerous, but rather tend to the purity and permanence of the government.

The work of restoring order within the State is one which will subject me to even more vile and unmeasured calumnies, which have been continually heaped upon me ever since the people lost their fear of being overcome by the rebels. In patient silence I have borne these assaults in the past, with the means of easy vindication in my possession; and if it is my duty to the State to continue to expose myself to the detraction of bad men, I must encounter their attacks in the path duty points out. They shall never move me from that path.

Is it, then, my duty to the State to continue in office until quiet is restored? Your demand upon me is entitled to great consideration, because it is the expression of the judgment of a majority of the body with which I have heretofore acted with perfect harmony. Added to that are the numerous requests of citizens in different parts of the State. Still further, it is the judgment of the Commanding General of this Department that my services will be of great value to him in aiding him in his work of pacifying the State.

And yet again I called you together to devise and adopt a scheme upon which our slaves are to be emancipated; and you have performed the duty, and made in the name of, and for the people, a sacrifice, the magnanimity of which has not often been witnessed in the history of nations. I have taken part in your deliberation and action upon this great question, and during its progress I made the declaration in yonr presence, that, if some scheme was not adopted, I could not consent to hold office; thereby giving a kind of assurance that I would continue to act if you would adopt a scheme of emancipation. And this occured after your resolution was passed, and designed to get some support to the cause of emancipation. To some extent I may be understood to have committed myself to continue in office, at least while the State is disturbed and the administration of ordinary civil government is interrupted. I always try to redeem my pledges. I therefore withdraw my resignation, and will again involve myself in the cares and perplexities of office; not to be, as the *sagacious* President of the United States regards me, the head of a faction, but an officer of the State above all party influences, and careless of everything but the interests of the State.

H. R. GAMBLE.

Mr. BRECKINRIDGE. I move that five thousand copies of the message of the Governor be printed for general circulation.

Mr. DRAKE. It will be printed in all the papers of the State, and the extra copies will never find readers.

The motion was put to the vote and carried.

Mr. SHEELEY. I move that this Convention do adjourn this day, at 11 o'clock A. M., *sine die*.

Carried.

Mr. BOGY. I move that a resolution of thanks be tendered to the President, the Secretary, and the Clerk.

Mr. GANTT. The Secretary and Clerk have performed their duties very much to the satisfaction of the Convention; but it is wholly out of order to render thanks to the paid officers of any body.

Mr. HOW. I beg leave to move the following:

Resolved, That the thanks of the Convention are hereby tendered to the Hon. R. Wilson for the dignified manner in which he has discharged the duties of his office. His impartiality and kindness will long be remembered by the members of the Convention.

Carried unanimously.

Mr. BRECKINRIDGE. In some remarks I had the honor to make to this body, on an early day of the session, I said that if this Convention adopted a system of emancipation, I should deem it my duty, in case no one else did so, to offer resolutions asking from Congress the redemption of its pledge to make an appropriation for the compensation of loyal slaveholders, who, under that ordinance, should lose their slaves. I now desire to introduce such resolutions, and to express the hope that they will, if possible, be passed unanimously. Whatever views gentlemen of the Convention may have entertained heretofore as to the policy of such grants of aid by Congress, now that the State of Missouri has determined to emancipate her slaves, and we are unable to provide means out of our own resources to compensate loyal slaveholders, who, as the result of our action shall lose their slaves, I take it for granted there will be no objection to receiving such assistance as Congress may be willing to give, provided the funds so appropriated are properly applied. I ask that the resolutions may be read by the Secretary.

"WHEREAS, the Congress of the United States did, by resolution, approved April 10, A. D. 1862, declare 'That the United States ought to co-operate with any State which may adopt a gradual abolishment of slavery, giving to such State aid, to be used in its discretion, to compensate for the inconvenience, public and private, produced by such change of system'; and whereas the people of the State of Missouri, confiding in the pledge thus made by the National Legislature, have, by ordinance, provided for the emancipation of all slaves within the State on the fourth day of July, A. D. 1870; and whereas, by reason of the burden of debt incurred in past years, and by reason of the depreciation in the value of property, and the impoverishment of her people, caused by rebellion, which, with unfaltering loyalty she has struggled to overthrow, the State of Missouri is unable, out of her own unaided resources, to provide adequate compensation; therefore,

"*Be it resolved by the People of the State of Missouri in Convention assembled, as follows:*

"1. That it is the just expectation of the people of Missouri that the Congress of the United States will make provision for giving them aid to 'compensate for the inconvenience, public and private, produced by this change of system.'

"2. That justice to that portion of the loyal citizens of the State of Missouri, who, under the ordinance now adopted, shall lose their property, requires that Congress shall provide a sufficient sum, to be applied under such just conditions as may be imposed, for their compensation.

"3. That it is especially proper that this should be done, since the controlling inducement to the adoption of the policy of emancipation, with many of the citizens of the State of Missouri, was their desire to demonstrate conclusively their fixed and unalterable devotion to the Union.

"4. That the Governor of this State be, and he is hereby requested to transmit properly authenticated copies of the foregoing resolutions to the President of the United States, and to the presiding officers of the Senate and the House of Representatives of the United States.'

Mr. GANTT. I am opposed to any such resolutions. We have not acted in this matter with any reference to compensation to be made by Congress. At the last session of Congress, that body failed to do anything which would enable the Legislature to act; the Convention thereupon came forward, and upon its own responsibility the State of Missouri has done that for which Congress refused to pave the way.

Is it to be supposed that that which Congress would not do to procure this act of emancipation, it will do now that an ordinance of emancipation has been passed? It is preposterous and idle to expect such a thing; and I am very unwilling that Missouri should go, cap in hand, to ask for any such appropriation.

Mr. DRAKE. I take leave to say that, under no possible circumstances, would I vote for such a resolution as this. It contains statements which I consider inconsistent with our knowledge of this State, and with the history of its people. I say that the people of this State did not provide for emancipation because of any pledges made by the National Legislature. The delegates of the people in this Convention have been driven by public sentiment to do this act to-day, and there are men in this Convention who have voted for this act who would not, on any consideration, have done so had not public sentiment driven them to it even against their own convictions and desires; but that public sentiment has never been based for one instant upon any pledge made by the Congress of the United States.

The first resolution declares that it is the just expectation of the people of Missouri that the Congress of the United States will make provision for giving aid to compensate for the inconvenience, public and private, produced by this change of system. I ask, sir, why gentlemen did not couple that with their plan of emancipation, and express in their ordinance that it was based upon the pledge of Congress, and that the just expectation of the people was that Congress would give us money for doing it? You never did it with any such just expectation, and if the last Congress would not give it to you, no other will. There never was any such expectation at the foundation of this act of the Convention.

Again, sir, what justice would there be in asking compensation for the loyal citizens of the State of Missouri, who, under the ordinance adopted, will lose their property; and when that compensation came, provided it did, instead of distributing it solely to the loyal slave owners, your disloyal citizens, now rebels in arms, your bushwhackers and guerrillas, would come up and prove their loyalty, and pocket the greater part of the money which the Congress might appropriate for this purpose? I say, therefore, there is no demand upon us here to ask the nation for compensation for doing what a majority of the people in this State this day demand shall be done without compensation. I do not want the loyal people of Missouri—the true Union people of Missouri—to stand before the world in this position, to go before the loyal people of the nation, and beg them to pay for negroes that are to be set free seven years hence, only to be transmitted into bondmen, many of them for life, and many others for a service of many long years, and who might, under other circumstances, be free.

Mr. HALL of Randolph. Were I a member of Congress, before I would vote to appropriate money to abolish slavery in Missouri, I would prefer to see every slave in the State emancipated without a cent of compensation; and before I would vote for the principle that the Federal Government has a right to interfere with the domestic institutions of this State, I would prefer to forfeit our right to all slave property in the State; and I will not vote for Congress to do that which, if they do, will make the restoration of this Union hopeless, or, if it be restored, will end in a totally different form of government to that which we now have. So far as I possess any influence I shall oppose this proposition. As to the expression that certain members of this Convention have been driven to support the ordinance of emancipation, I would reply that they have not been driven to do so by public sentiment, but they have been driven by circumstances that reflect disgrace npon those who have driven them to it. What has been the condition of things in Missouri for the past eight months, and until within the last two weeks? The military commander has been the exponent of every violation of the law, has fostered and encouraged a spirit of resistance to and the violation of the laws of this State, and has given encouragement to the worst and most lawless characters of this State, who claim it as a merit that they have violated the laws of the country. These men, emboldened by this encouragement, and thinking that they were to be protected and maintained in lawlessness by the military power here, have violated the rights of the people of this State with impunity; while the conservative element of this State has been discarded and disheartened, feeling that if they undertook to resist this lawlessness they might be charged with resisting the power of the Government to which they were attached. We have been driven by the influence that that military commander gave to this spirit of lawlessness in this State to seek alliances that would enable us to put it down. We have been driven, as a measure of

self-defence, not only that respect might be paid to slave property, but to every kind of property, and to the rights of persons; we have been driven by our desire to protect society from enemies of this character. Public sentiment, indeed! calling the feuds of that class public sentiment! To call this bad, bold spirit of mob violence public sentiment, is a disgrace to the name.

Mr. BRECKINRIDGE. My colleague (Mr. Gantt) speaks of the resolutions I have introduced as having the effect, if adopted, of placing the State of Missouri in the attitude of going cap in hand to solicit compensation from Congress for the emancipation of her slaves. I certainly do not desire to place the State of Missouri in the position of a mendicant, nor can these resolutions possibly have that effect. Congress pledged itself to aid us on certain conditions. We have complied with those conditions, and I propose now to ask Congress to perform its part of the contract.

My colleague (Mr. Drake) says the language employed in the resolutions is inaccurate, in stating that the people of Missouri confided in the pledge of Congress. If the resolutions stated that we had emancipated the slaves of Missouri from no other motive than that we confided in the pledge of Congress, his criticism would have been just; but the resolutions contain no such statement. We certainly did confide in the pledge of Congress; we certainly did not consider it an empty promise, never intended to be kept—(was that the gentleman's view of it?)—and though it was far from being the only inducement to our action, it certainly did powerfully stimulate and strengthen the sentiment of the people of the State in favor of emancipation, and was largely influential in producing the result we have attained. Hence I insist the language is well chosen, and accurately states the facts. My colleague is in error in saying that it is not the just expectation of the people of Missouri that Congress will make provision for compensation, according to its pledge. I cannot state of how large a proportion of the people of the State it is true, but I do know that it is the expectation of many thousands of them that Congress will perform that which it has promised; and not only have I a just, but a confident expectation, that if they ask properly, they will receive it.

It is a perfectly sufficient answer to the suggestions of my colleague—that, if Congress should make an appropriation, it would enure to the benefit of disloyal as well as loyal persons, and that many might be compensated, who, under the provisions of the ordinance adopted, will not lose the services of their slaves—to call attention to the fact, which, in the heat of his opposition, he has overlooked, that the resolutions, in terms, contemplate compensating those only who shall absolutely lose their slaves, and those only who are loyal; and still farther, they ask for the application of such aid as may be given, under such conditions as Congress may impose; so that even if there were danger of such abuses as my colleague anticipates, it is within the scope of the resolutions, and perfectly within the power of Congress, to guard against them.

I would be glad to say more on this subject, and I desire particularly to notice the remarks of the gentleman from Randolph (W. A. Hall), but the limit of five minutes will not permit me to say more, nor can I properly ask its extension at this late moment of the session.

If time permitted, I should certainly press the passage of these resolutions, which I deem important, and which I am confident the large majority of this body would sustain. We are, however, within an hour of the time appointed for the final adjournment, and it will be very easy, if those who oppose them desire to do so, to prevent a vote by consuming the interval; and as I am unwilling that the chance of obtaining aid from Congress should be prejudiced by a failure to adopt these resolutions, if pressed for passage, I will, with the permission of the Convention, withdraw them.

The resolutions were accordingly withdrawn.

Mr. MCCORMACK. I wish to introduce a resolution in relation to the payment of the enrolled militia of the State. During the last session of the General Assembly of Missouri there was an act passed for the payment of the enrolled militia, and the Secretary and Auditor were instructed to prepare military defence warrants, and which were accordingly provided, and should have been delivered over to the enrolled militia; but from an oversight in the General Assembly, in not requiring that the Paymaster should countersign them, they were not in a condition to be used; hence payment has never been made.

Mr. GANTT. I expected to vote against every measure of special legislation on the part of this body, but this seems to form an exception.

The resolution was read three several times and adopted by the Convention.

Mr. Long. I beg to introduce the following resolution:

"*Resolved*, That it is for the best interests of this State that Congress should enact such laws as shall be efficient for the removal of all slaves, hereby emancipated, beyond the limits of this State."

Mr. Drake. I move to lay the resolution on the table.

Mr. Birch. I deny to Congress any jurisdiction whatever over this institution of domestic slavery, and such a view I have always held. I shall not ask Congress to make provision for the paupers that will in all probability be made by this ordinance. I vote *aye*.

Mr. Sheeley. I certainly will never violate my convictions by asking Congress to do anything of the kind. I vote *aye*.

On motion to lay the resolution on the table, the vote was—ayes, 35; noes, 21.

Mr. Breckinridge. Under the resolution providing that each member of the Convention should be furnished with three daily papers, most of the members preferred to take the St. Louis papers; notwithstanding this, the editor of the *Missouri Daily Times*, published in this city, has each day laid upon the desks of the members a copy of his paper, containing a report of the proceedings of this body. This has been an accommodation to the members, inasmuch as it has appeared in advance of the daily papers from St. Louis; and this has been done without any appropriation having been made.

Mr. Gantt. And I hope that none will be made. Every member ordered the papers he desired, and three daily papers were quite sufficient.

Mr. Breckinridge. The paper, I understand, has had a reporter here, whose reports on the whole have, I think, been accurate, and the paper has certainly been a great convenience to the members. It would be but just for this body to make the trifling appropriation asked to remunerate the publisher for the papers supplied here daily.

Mr. Gantt. Just allow me to read the first leading article from this day's issue. [Reads.] That is a delectable journal to be distributed amongst us; and it is for that we are asked to pay. If any gentleman ordered the *Times*, the publisher has been paid for it; and if none were ordered, it is a tolerably accurate condemnation of the paper and its sentiments.

Mr. Foster. I move that J. J. Delahay be allowed $3 per diem for his services during the session of the Convention, and that the Chairman of Accounts be hereby authorized to audit the same.—Carried.

The hour having arrived for the adjournment of the Convention, the President closed the proceedings with the following remarks:

The President. I beg leave to return my sincere thanks to the members of the Convention for the support and the manifestation of good will which they have given me upon the present occasion. We have labored two years, or more, together in a work supposed to be very important to the people of this Commonwealth. This Convention has labored assiduously and faithfully for the true interest of the people of Missouri; and now, whatever may be the desire of any member of this body, we cannot escape the criticism of the historian. Whether we will or not, the actions of this Convention must fill an important page in the history of Missouri and of the United States of America. I believe, gentlemen of the Convention, that the criticism of the historian will be favorable to the motives and the actions of a large majority of the members of this body.

Gentlemen of the Convention, the final vote has disclosed to you that I have acted, in its present action, with the minority in relation to emancipation. My only desire, when I came here, was to secure to every individual on this floor his rights as a member of this body, to give to every one the largest liberty possible consistent with public order. This I have endeavored to do.

The result of your labors, whatever that may be, we now give to the people. I hope this ordinance that we have passed will give to the people of the State all we promised them. You have promised them peace, security and protection. If that shall be the result of your deliberations, no man in this great State of Missouri will more sincerely rejoice than myself. I doubt whether this result will follow the action of this Convention for several reasons; one of which, and perhaps the most prominent reason that operated in my mind, was, that we had been elected for a different purpose, and that we had accomplished fully and faithfully the purpose for which we were elected.

But allow we to say to you, gentlemen of this Convention, that I do not return to my

home for the purpose of opposing the action of this body, or of uniting myself with anarchists, revolutionists, Red Republicans, or any individuals, by whatever name you call them, who propose to uproot the order of civilization itself. I shall give to the ordinance passed by this Convention that moral support which I shall deem necessary to secure the public order of the community in which I reside. And let us all hope and trust that the action of the Convention upon this great occasion will bring peace, tranquillity, prosperity and happiness to a great people.

Gentlemen of the Convention, I hope I have succeeded in my endeavor, as presiding officer of this body, to give to every gentleman on this floor all the rights which I deemed he was entitled to. I now close the sessions of this Convention, and pronounce it adjourned without date. [Cheers.]

SPEECH OF THE HON. JAMES H. BIRCH,

Omitted in Seventh Day's Proceedings, June 22, 1863.

Mr. BIRCH. I regret, Mr. President, that the gentleman from Cedar should have felt himself called upon to address to us so ungracious an insinuation as the one which fell from him just previous to our adjournment; but, as I happen to be prepared to *repel* it, it is perhaps as well that the issue should be accepted and decided here—so far at least as the *facts* in the case may have an influence upon the proposition now pending.

Mr. GRAVELLY. I assure the gentleman from Clinton that, in the remarks alluded to, I had no reference to him whatever.

Mr. BIRCH. Will the gentleman, then, be kind enough to state to whom, or to what class of candidates, such remarks were intended to apply ?

Mr. GRAVELLY. To no one in particular, but to the pro-slavery party in general.

Mr. BIRCH. Very well; as I belong "to the pro-slavery party in *general*," and was one of the Congressional "candidates who did not get votes enough to procure a certificate of election upon," and as I am quite willing that my own case shall stand as a specimen of the manner in which myself and others were *prevented* from "getting votes enough" to elect us, the gauntlet so unreservedly thrown down by the gentleman will be taken up, and the question at *least* so disposed of as to relieve "the pro-slavery party in *general*," and myself in *particular*, from all similar depreciations in the future.

It so happened, Mr. President, that, at the time of the late guerrilla raid into my county town, there was deposited in the Treasurer's safe such depositions as had been taken, in respect to the manner in which the election canvass had been carried on in my district, and that these depositions were restored to a friend of mine in the manner that other private papers were to other gentlemen. That will, of course explain why the seals have been broken, and why I am able to read them here, before reading them in Washington; and will not, I presume, detract from their authenticity or validity, whether here or there. Why I brought them with me I can scarcely tell, except upon the vague premonition that there *might* be, in a body of ninety-nine delegates, some one as ill-informed or as inconsiderate as the gentleman from Cedar, albeit his general bearing amongst us has been that of an intelligent, courteous and just man.

As such, I have no fears that he will repeat the injustice of which I have so much reason to complain, after he has had an opportunity to listen to, and, if it be his pleasure, to inspect the *testimony* in this case. Further, sir, (and that is the only *legitimate* excuse that can be put forward for reading such a mass of testimony,) *no* just minded man shall hereafter have even an *excuse* for pretending that such an election as the last one furnished such results as in any respect to guide a majority of us here; but, as I think, the exact *reverse*.

Mr. SMITH of St. Louis. I rise to a point of order, Mr. President. It will be remembered that I gave way to enable the gentleman from Clinton to make a personal explanation. I object, however, to the reading of such a mass of depositions.

The CHAIR. The gentleman from Clinton has not asked that the papers should be read by the Secretary, whereby they would form part of the records of the Convention. It is his right, however, to read such portion of them himself as he may deem necessary to his explanation or argument, and that is all I understand he proposes to do.

Mr. BIRCH. Certainly, sir; and it need scarce be added that the necessity for reading any *portion* of this testimony, originally, and still, intended for another forum, cannot be more irksome or distasteful to others than it will be to myself. In such times, however, as unhappily confront and surround us, *no* man should shrink from the requirements of *duty*, however unpleasant its performance, or however subjecting him to criticisms which would otherwise be so sedulously avoided. I propose therefore to at least so far refer to the judicial

evidence which has been taken in my own district as to demonstrate that the last election, before the results of which it is claimed we should bow ourselves as in submission to the legitimate expression of the popular judgment and the popular will, was *not* a "free" and fair election, and that it should be spurned and *reprobated*, instead of being in *any* sense deferred to in our action here.

Before entering upon an exposition of the *system* of "terrorism" then inaugurated, if not yet *kept up*, it may be appropriate to remark that your records of the last session contain all I shall perhaps ever desire to say in respect to the *Gubernatorial* aspect which was given to that election, resulting, as it did by our action here, in *relieving* the pro-slavery candidate for Governor from further service in that department of duty, whereby he was at liberty to transfer himself to the more narrow precincts of a canvass for Congress. But for this, sir, there can be no immodesty in the assumption that his friends and himself would have constituted to-day the governing party of the State.

Enough of this, however, except to add that we have at least escaped the risk of governing so unwisely or infirmly, as to be content at last with the mere *title* of authority, at a time when, of all others, we should stand tenaciously upon all its *prerogatives*.

Coming, without further preliminary, to the combined injustice and terrorism which rendered the elections in many sections of the State the *opprobrium* of the people, instead of the "free" and unconstrained expression of the majority of them, I will read, firstly, from the *Missouri Republican* of the 14th of October last, the statement which was prefixed to the proceedings of a public meeting which was held in Carrollton on the 2d of that month—the whole authenticated by the signature of the *Secretary*, as follows:

"CARROLL COUNTY, Mo., Oct. 6, 1862.

"On Thursday, the 2d instant, Judge Birch visited Carrollton, Mo., and addressed the people, urging his claims for a seat in Congress. His audience, with a few exceptions, was composed of rebels, and, of course, he made a first rate secession speech. When about half through, Capt. Wakefield Stanley, commanding the post at this place, deeming his speech calculated to fan afresh the flames of rebellion and bushwhacking in this section, ordered him to stop his secession speech, and, further, gave him orders to make no more speeches in Carroll county. All loyal men, and even some secessionists, who are disgusted with guerrilla warfare, approved of Capt. Stanley's course. Birch, fearing he was in danger (and perhaps he was) from the insulted militia, immediately left the county.

"On the next day the citizens of Carrollton and vicinity held an INDIGNATION MEETING. William Sinnard, Esq, was called to the chair, and George Pattison appointed Secretary. A committee was appointed to draft resolutions denouncing the course of Judge Birch," &c.

Before reading from the proceedings of this pretended "indignation meeting" of "the *citizens* of Carrollton and vicinity," (the *exact* character of which I will not here stop to expose,) it is perhaps proper to state, as the resolutions themselves will bear corroborative testimony, that at the time I was forbidden to speak further I was in the midst of an argument in opposition to the President's proclamation—assigning reasons why I should be constrained to vote against furnishing either men or money to carry on such a war as would inevitably be fastened upon the country, and cut off the last hope of constitutionally reuniting it, if it come to be waged upon the basis foreshadowed in that document. Need I ask, Mr. President, whether, as a citizen eligible to a seat in Congress, I had a *right* to lay before the people, who had the right to vote for me, the reasons why I would support certain executive measures, and oppose others? May I not, indeed, more appropriately inquire whether such a right was ever denied before even in *thought*, much less in *action*—and least of all by the menaces of ARMS! Of course the answer to such an inquiry suggests an almost indefinite, indignant and withering elaboration; and when the hustings shall again become "free," as they must become before either the question of reunion, or the subordinate question of emancipation, can be properly decided by the people, it will of course require no art of rhetoric to make every man feel that such an invasion of a popular and a constitutional RIGHT strikes down HIS rights — ALL rights, indeed, that are regarded as even *troublesome* to the *régime* of the *military*, which the Constitution *expressly* ordains shall be subordinate to the civil power! It is but necessary, indeed, to read the *resolutions* adopted at this military meeting, (for such, to all *practical* intents, it was,) to perceive that it was *intended* to overawe the people in opposition to their will; and the result of the election, at which

I received *but seven votes,* simply demonstrated the *effect* of the military outlawry they foreshadowed, as follows:

"*Resolved,* That though many of us look upon the late proclamation of President Lincoln as inexpedient, it is with pain we see James H. Birch, and secession demagogues generally, giving said proclamation an importance it did not merit, and using it in a manner calculated to excite uninformed young men, and to urge them into rebellion.

"*Resolved,* That we recognize in said Birch a decided secessionist, and shall, for all purposes, hold his supporters as secessionists.

"*Resolved,* That the thanks of the Union men, and friends of peace generally, are due to Capt. Wakefield Stanley, for stopping Birch's secession harangue, and forbidding his speaking in Carroll county."

So much for the *resolutions* of this pretended "indignation meeting," which I will not further dignify than to state, that they were as utterly false in their accusations against me as they were audacious and despotic in reference to my supporters. They had the designed *effect,* however, not only in that county, but in the adjoining counties, where they were read and endorsed, of so overawing the people and muzzling their voices, that my competitor, *who was specially defended and commended in one of the previous resolutions,* received a majority of the votes that were *given,* and THUS obtained a certificate of election to Congress!

Even in his own county, as everywhere else, that competitor was reduced to the necessity of appealing to the *fears* of the people, instead of their confidence or good will; and as the election day drew nearer and more loweringly upon him, he was constrained to throw off even his previously ill-concealed *disguises,* in a public speech at the town of Russellville, where he knew his countymen were "*dead against him*"—it being testified to in the depositions that he there descended so low as to openly denounce me as "*a traitor,*" * and to proclaim that the "disloyal *list*" was the place for any and every man who supported me!

* NOTE BY MR. B., JULY 23.

As denoting the only pretence of excuse for the calumny of this denunciation, it is requested that the concluding paragraphs of Judge Dunn's deposition (as taken by Governor King, on the 9th and 10th of March last) may be appended to my remarks of yesterday. Whether, in the estimation of *any* person, such a position as a candidate for Congress should constitute me "a traitor," and subject my supporters to the punishments with which they were thus and otherwise officially menaced, it is quite certain that they are the identical sentiments and opinions which were avowed in the circulars and the speeches of both my competitor and myself, when we were seeking positions in this body. It is as little doubted that they are yet in accordance with the sentiments and opinions of a large majority of the people of our District; and that it was because my competitor had placed his reliance upon wholly different influences and *elements,* and was hence forced upon wholly different *ground,* that the necessity was felt of applying "THE SCREWS" to the "old time" people in the manner detailed in the depositions—many of my friends being thereby driven to a second choice, in the person of Mr. Samuel, whilst the great majority of them submitted, in preference, to that TOTAL degree of disfranchisement which left the District less than half *polled,* and wholly *misrepresented!* Where all this is to end (*or how*) let every *true* Democrat answer for himself. Emboldened by the success of the experiment in Missouri, it may become the *rule* of elections hereafter, especially in States or districts where all other means may seem impotent for the purpose of carrying through an obnoxious policy. Be this as it may, it need scarce be added that it can never become the rule of RIGHT, the rule of LAW, the rule of the CONSTITUTION, or the rightful "RULE OF THE PEOPLE," but will be in ITSELF A REVOLUTION, beyond the hope of all peaceful redress. I will but add, therefore, as practically illustrating the difference between the great principle of representation and *mis*-representation, that before *I* could have thus conspired to *repress* the voice of the people, and thereby win a position to countenance *any* measure in *defiance* of their will, I would have had to sear my conscience to the dreadful treason against free government—that the blood and the treasure which they had a right to represent in their ballots for a Congressman, should *not* count against my own lust of dominion or of *place*—and this, it is respectfully submitted, must be the ultimate conclusion of all dispassionate reflection. As to my "loyalty," in the expression of such opinions, I need of course but repeat the concluding utterances of our first day's session when opposing *another* misjudged panacea for "restoring the Union;" and thus respectfully defy, in the future as in the past, all *legitimate* criticism—ALL criticism, indeed, which respects either the distribution of *authority* in the Government, or the right of the people to control its exercise.

The deposition of Judge Dunn concludes as follows,—being "the truth, the whole truth, and nothing *but* the truth,"—and I STAND THERE YET; not where flippant and interested slanderers have placed me, but where the apt and true statement of my competitor's chosen *witness* has placed me, as follows:

RE-EXAMINATION BY CONTESTEE.

"*Q.* Were there not other sentiments, in addition to those drawn out [by the contestant] on the cross-examination, that were calculated to render the Secessionists exultant, to obtain their favor, and secure their votes? If so, state what they were.

"*A.* The parts in the speeches of the said Birch which were the most warmly applauded by the Secessionists, was his severe denunciations of the Abolitionists of the North; his condemnation of the Emancipation Proclamation of the President, and his avowal that, as a member of Congress, he would not vote men or money to carry

Yet further, Mr. President, it was either so arranged beforehand, or so *happened*, (just as you choose,) that one of his military supporters, who was present in "full official costume," and who had previously furnished the names of many citizens for the "list,' alluded to, chimed in with the exclamation and pledge, "Yes, Governor, and I *will* put any man on the disloyal list who votes for him!" When it is remembered, gentlemen, that to be recorded upon the "disloyal list" in those times was equivalent to "military assessments," "pressings," "bondings," "quartering upon them," and "*breaking them up generally*," it will not be wondered at that the same intelligent and upright deponent concludes his deposition with the statement, so abundantly verified from other sources, that, from that period forward, my friends became so discouraged as not only to give up the county to the supporters of the *military* candidate, but that great numbers of them were so overawed, in the end, as to feel constrained to *vote* for him, in order thereby the more SURELY to prevent the annoyances and wrongs which they were impressed would otherwise be visited upon them—even to *banishment!*

But why *publish* these Carrollton proceedings unless the more extendedly to accomplish the purpose they *did* accomplish? It is in testimony by a gentleman whose business led him to travel through the district shortly after publication, that they constituted everywhere the very *textual* of the supporters of the military candidate—their endorsement by even a *portion* of his more noisy supporters at the various posts being so held out and amplified in the conversations and denunciations of other "strikers" as to include what was known of his *judicial* concurrence in support of them, and to but *naturally* overawe whole neighborhoods of my friends—good citizens and loyal voters, but fearing the anathemas which were hurled against the property, the liberty, and even the *lives* of those who voted for *me!* I need, of course, no further dwell upon this mere *development* of the "system of terrorism" by which *alone* I was defeated, than to add that in due time the hand of the destined *beneficiary* of the terrorism "forgot its cunning" in its *desperation* and was found *itself* upon "the wires," where I have it *inextricably* impaled in more than half the depositions which are spread out before me.

With such a concurrence of testimony, running already through every county in which I have taken depositions, and comprising men of all politics, I am, of course, content that the *certified* member shall continue to take the depositions of other witnesses to prove that, in what *they* saw or heard, they had nothing to condemn, that being a grade of testimony which is not only in *conflict* with what I have proven, but which, in fact, so comes in as to impart to it additional and irresistible *conclusiveness.*

These are but *specimens*, moreover, of the manner in which the public voice was overawed and repressed in my district, in no county of which (it may be repeated without immodesty) could I have been outvoted, had it not been for the "military terrorism" which was thus or similarly brought to bear against me. I will, however, so far respect the disinclination which has been manifested against reading such an array of testimony as I have already taken, (to say nothing of the additional volume I propose yet to take,) as to call attention to a single deposition, and that the shortest one in the sixty pages now before me. It will be found very much to the *point*, however, and will perhaps as well explain how my friends were overawed in *Saline* county, as they were in Carroll and Ray. In *Carroll*, they were to be treated, "for *all* purposes, as Secessionists;" in *Ray*, they were to be placed upon the "disloyal list;" whilst in *Saline*, as will be seen by those who will listen to the

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on the war under the Emancipation Proclamation of the President, and that he was in favor of trying to settle our troubles upon the basis of the Crittenden Compromise, or something of that sort, [which the contestee at that time opposed,] and that if that effort failed, that *sooner than attempt to carry out the policy of the Emancipation Proclamation*, he would be in favor of some arrangement by which the belligerents would part in peace, and the fratricidal war be ended."

Whether the "contestee" has again so "changed his base of *operations*" as to be *really* "falling back" upon this old and common ground of "Constitutional Unionism," and if so, how long it will be before his desire to capture a new "*supply* train" may constrain him *again* to "change his base" *tactics*, may, of course, be left to the developments of the future. Be this as it may, his history for the last fourteen years is at least a sufficient premonition that his future *status* will be "just as it happens;" or, in other words, that he will *consistently* continue to

> "Wriggle in and wriggle out,
> And leave the people still in doubt,
> Whether the snake that made the track
> Was travelling North or coming back."

deposition of Mr. Lightfoot, (and of which I am offered the most ample corroborations,) they were to be arrested and punished as *traitors!* Hear the deposition:

"About the middle of October last, Lieut. Col. William A. Wilson, in command of the militia of Saline county, put up at the 'Sedalia House,' of which I am clerk. The conversation turning upon the subject of the Congressional election then pending in the Sixth Congressional District, Col. Wilson publicly declared his intention to arrest any man in Saline county who voted for Judge Birch, as a TRAITOR, and PUNISH him as a traitor."

Of course, Mr. President, I will not so far forget what is due to the patient courtesy and intelligence of this body as to waste a moment in *elaborating* such a deposition as this is—the result of which and similar outgivings having been, that the great body of the people of that county (nearly all, indeed, who would otherwise have supported me) were overawed and discouraged from the polls—not so much, in many places, by any misconduct of the soldiers *themselves*, as from the general impression which had but naturally resulted from such declarations and proceedings as I have proven and adverted to, that *no* man could vote for me, either with safety to his person or property! And yet I am twitted, here in my place, as one of "the pro-slavery candidates who did not get votes enough to elect them!" whereby to impair, if possible, the little influence which might otherwise attach to my utterances here.

In the county of Caldwell the overawing was no less effectual—only a little different and a little more complicated—as is shown in another and a much longer deposition, which is at the service of the gentleman from Cedar, or any other delegate; and I have such information from the remaining counties as to equally demonstrate, that whenever testimony may be safely and properly *taken* in them, it will be proven, not by traitors, but *by as upright and as loyal men as ever supported the Constitution of the United States*, that my name was similarly cast out as "a TRAITOR," and that they and other friends were systematically frowned from the polls, locked up in military prisons, or driven from the State.

It was such men as these, sir, whose ONLY crime has been the admission of such "SYMPATHIES with the people of the Southern States" as WE ALL placed upon our records at our first session—it was the thousands such as these, the most of whom, for military reasons, had been enrolled on the so-called "disloyal list," but who were still as clearly entitled to citizenship and to VOTE as *you* or *I* were, who were nevertheless so menaced and overawed by the judicial and military contrivings and CONSTRUCTIONS which are unravelled and set forth in these depositions, as to cut me off with less than 3,000 votes out of more than thrice that number who would have otherwise honored me with their suffrages. As the subtle engineer of this combined and double "terrorism" is not here to speak for himself, I forbear any further allusion to the *judicial* machinery he so adroitly wielded in conjunction with it—especially over that half of the district in which he even YET presides as judge—than to repeat that he so spake in his addresses as to deter whole neighborhoods from voting for me under the terror of indictments for PERJURY—that being the additional penalty which he affected to consider would attach to the act of taking the Convention oath to VOTE, by those who had been compelled to enrol on the so-called "disloyal list!" Thankful that outrages thus dishonoring and unparalleled have as yet but deprived me of the CERTIFICATE of election, may it not be trusted that until Congress decides that my friends were *fairly* dealt by, *such* a defeat will not be further alluded to, even in *quasi* recognition, here?

It would perhaps unbecome me to speak more emphatically or elaborately than I have done, however tempted to do so upon the insinuations I have been called to repel, and upon the record I have already procured in places where the people are not even YET afraid to testify, for the continuing reason which made them fear to vote. As, therefore, the competitor who succeeded against me by the suggestion and the employment of such appliances is not here to answer for himself, I shall say no more of the *judicial* role which was played by him in connection with the *military* "terrorism" which it was his duty, as an aide-de-camp to the Governor, to everywhere *repress*; but this I *will* say, in conclusion, and with all the responsibility which can attach to such a declaration, whether here or elsewhere, that from the testimony already in my possession, and that which I am so abundantly promised whenever it may be given without the fear of either judicial or military vengeance, it is scarce possible to *conceive* of an election to Congress upon a canvass more utterly ignoble in its original *relianccs*, more dishonoring

in all its subsequently concurring *incidents*, or more *disgracefully* vitiating in every element which respected either the fairness or the validity of the ballot.

When, therefore, before the proper tribunal, I shall have made this as apparent to the representatives of other districts as it is conceded to be by the intelligent and the upright of *all* parties in my own district, I shall feel that in thus essaying to restore to them the freeman's *right to vote*—in procuring for them, as it were, *a mandamus to hold a "free" and fair election*, and to send up a representative who will neither tax nor conscript them in opposition to their consent, I shall have contributed as much to restore the peace of "the Union," as the outlawry I complain of has done to embitter and to *aggravate* its complications. Of the citizen soldiery who were for the time so artfully exasperated and misled against me, I shall expect in like manner to receive THEIR thanks, (in lieu of their reproaches,) when it shall be demonstrated by events now rapidly maturing, who has been their sincere and STEADY friend, as well as the sincere and steady friend of THE "UNION AS IT WAS."

This being all I desire to place upon record here, and which, I doubt not, the gentleman from Cedar and others will be willing to accept in lieu of his wholly mistaken assumption of the *facts* in the case, I have but to thank the Convention for the courtesy of its attention, which it is trusted I have in no respect abused or imposed upon.

Whilst I am up, however, I may as well "*finish off*" the matter to which I adverted in the conclusion of my remarks on Monday a week ago. As I then predicted, the proceedings of "public meetings" have been almost *rained* upon us for the past few days—all inspired by the secret military circular from this city, which I caused to be read by the Secretary, and *thus* to be made a record of this Convention. Of these meetings, conceived in the purpose of overawing us in our deliberations here, the proceedings of the one held at Lexington is probably a fair specimen. It has at least the sanction of high *officiality*, having been formally presented to this body by the gentleman from Camden, (the new member of Congress from this district,) read by our Secretary, and referred to the appropriate Committee on Emancipation.

As the county of Lafayette is neither in the Senatorial nor the Congressional district of the gentleman from Camden, the honor of presenting the proceedings was of course conferred upon him for reasons which he will appreciate—and which the *Convention* will appreciate—when I have exposed them as they deserve to be exposed. Since our adjournment for dinner there has been placed in my hands a copy of the Lexington *Union* of Saturday last, containing a card "to the public" in reference to this meeting, which I propose to submit to the Convention almost without comment, as indeed it embodies, or at least *suggests*, its *own* commentary. I know two of the committee who have signed this statement; and they are (as doubtless the others are) gentlemen of unexceptionable character, and withal *emancipationists*. One of them, now present in the gallery, informs me that there were exactly twenty-six persons present at the meeting (himself being one)—not quite one in *a hundred* of the voting population of Lafayette county; and yet even *that* small number of its citizens could not be brought to the *extreme* abolitionism of the *Secretary*, who thereupon made up in *forgery* what he lacked in *fact!* Such, sir, being perhaps a fair *specimen* of the meetings and proceedings with which we are plied "to *order*" at this "turning point" of our deliberations, I shall simply read, as exposition of their *utter* worthlessness, the card of General Vaughan and his associates, who have my unaffected condolence for the misfortune of having been caught in a gathering of this kind at all, but *especially* for the want of prudence into which they permitted themselves to be betrayed in the choice of a *Secretary*. After that, the gentleman from Camden can *withdraw* the simulated proceedings, should he think proper; or they, and others like them, may be *perpetuated* upon our records, as mementoes of *abolitionism*, which may be useful, in a different sense, "by and by."

"TO THE PUBLIC.

"At a meeting of the Unconditional Union men, held in Lexington, the undersigned were appointed a committee to memorialize the Convention, and requested to submit their report at an adjourned meeting, which was held on the 13th of June, which they accordingly did. The memorial drawn by the committee proposed no plan of emancipation, and recommended no period at which it should go into effect, but left the entire question to the prudence, wisdom and patriotism of the Convention, simply suggesting that it be carried out at the earliest practical day which might be consistent with the interest of the State and

the well-being of the class whose condition we sought to ameliorate. We find in the *Republican* of the 18th of June a preamble and resolutions purporting to have been reported by that committee, in which we are made to recommend the first day of January, 1864, as the time to emancipate, and are further made to demand compensation for the slaves emancipated. We are also represented as asking the Convention to depose our present Chief Magistrate, with the Lieutenant Governor and all the officers of the State, and order a general election.

"The Secretary of the meeting has either ignorantly or intentionally placed us in a false attitude before the public, and we take this mode of announcing that we not only disclaim all agency in the getting up of those resolutions, but utterly repudiate the opinions therein expressed. We are authorized to say that the meeting itself did not endorse the resolutions published, and are not responsible for them.

R. C. VAUGHAN,
B. H. WILSON,
F. COOLEY,
S. F. CURRIE."

ERRATUM.

On page 15 of "*Journal*," in giving the *Noes*, on the motion of Mr. Hall of R., to lay on the table Mr. Eitzen's ordinance, nine names were omitted. The original Journal shows the following members voting in the negative:

NOES—Messrs. Baker, Bogy, Breckinridge, Broadhead, Bridge, Bush, Drake of St. L., Eitzen, Foster, Gravelly, Henderson, Hitchcock, Holmes, Holt, Irwin, Isbell, Jackson, Kidd, Leeper, Linton, Marvin, McClurg, McDowell, Meyer, Morrow, Orr, Pomeroy, Rankin, Ritchey, Schofield, Scott, Shackelford of St. L., Smith of St. L., Stewart, and Walker—35.